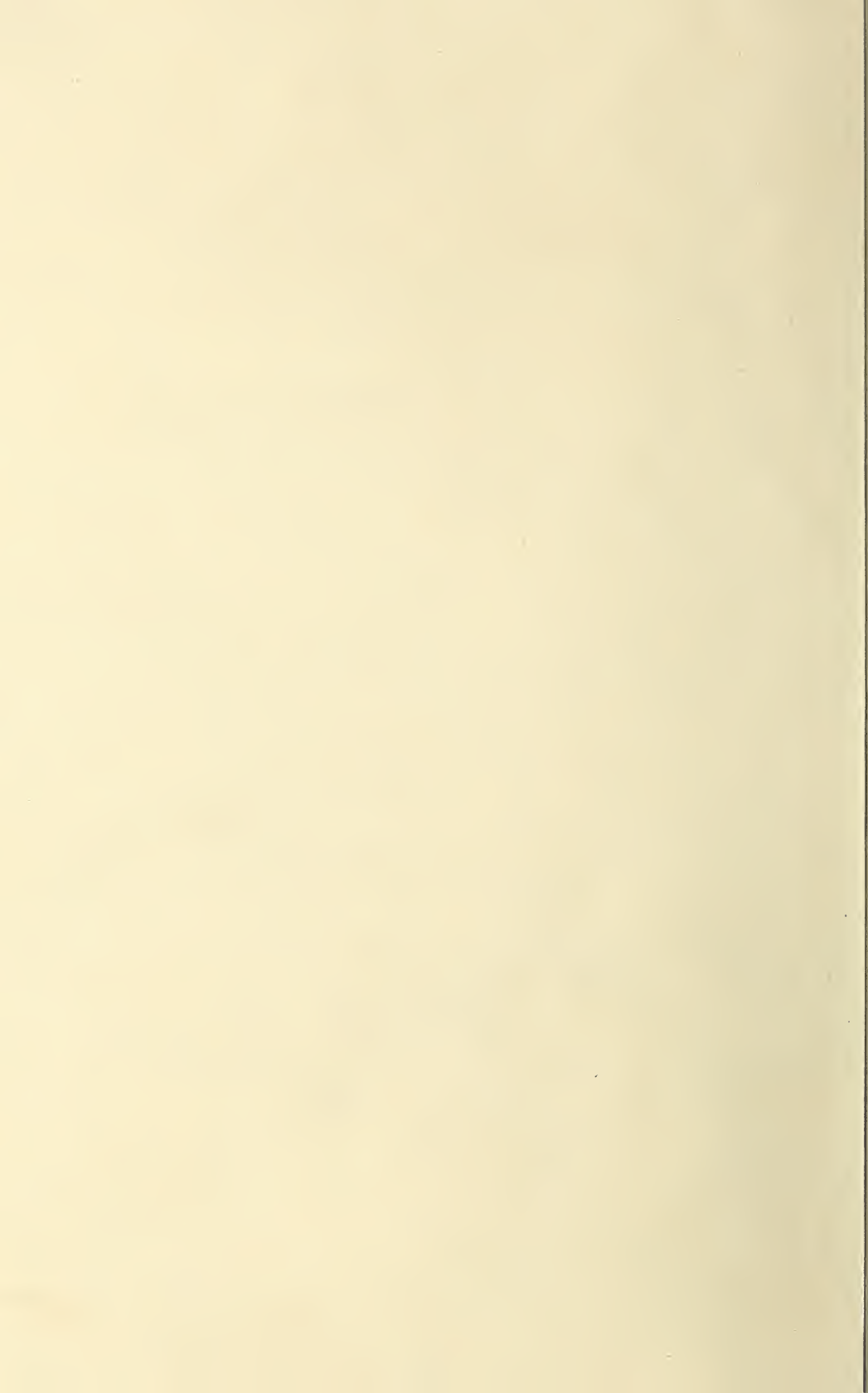


Historic, Archive Document

**Do not assume content reflects current
scientific knowledge, policies, or practices.**



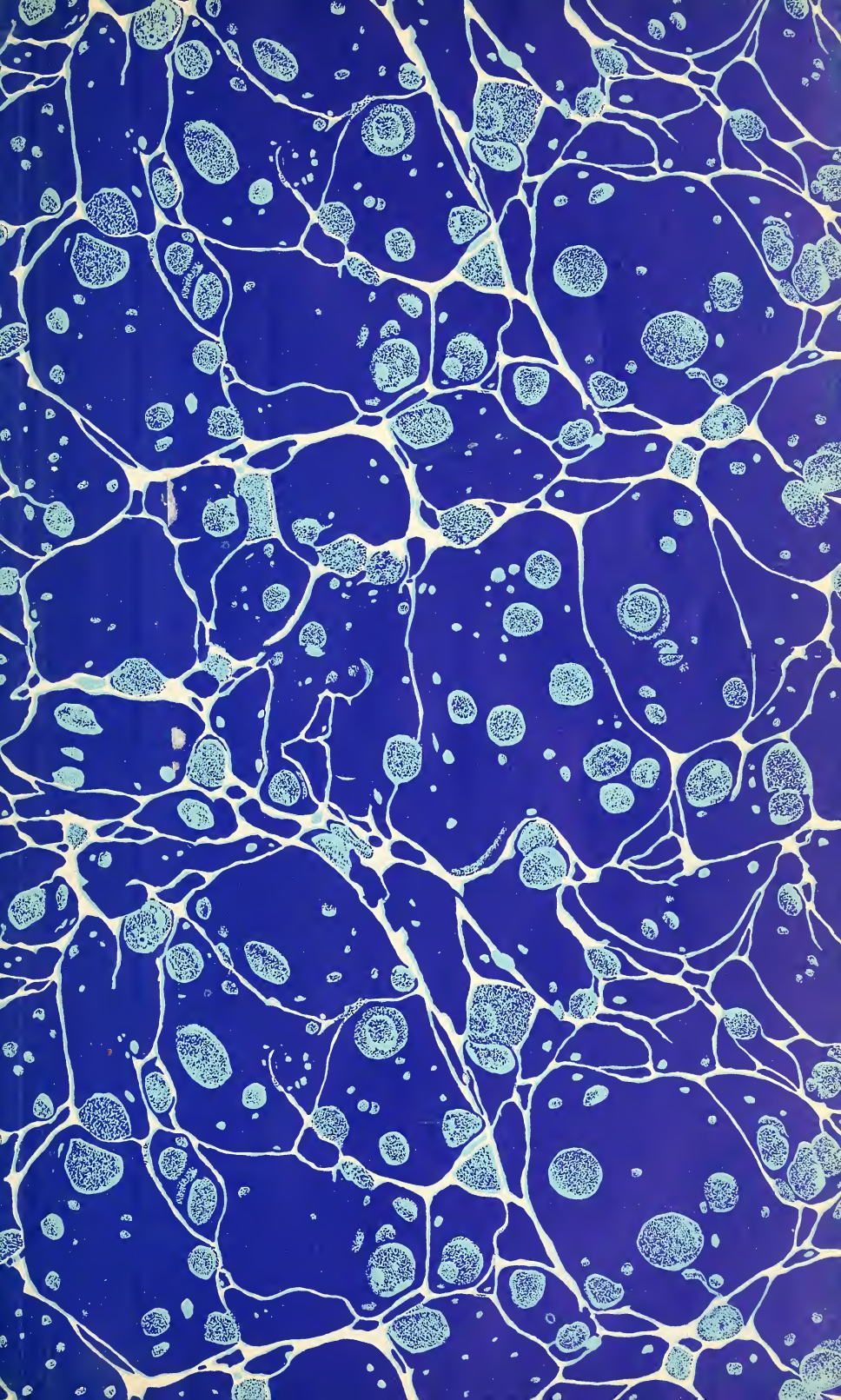
UNITED STATES
DEPARTMENT OF AGRICULTURE
LIBRARY



BOOK NUMBER

Reserve
1
F73N
nos. 20001-
21000
1933-1934

607695



Issued June 1933

LIBRARY
RECEIVED
★ JUN 26 1933 ★
U. S. Department of Agriculture

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20001-20150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 26, 1933]

20001. Adulteration of butter. U.S. v. 256 Pounds of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 28578. Sample No. 2686-A.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 11, 1932, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 256 pounds of butter at Dubuque, Iowa, alleging that the article had been shipped in interstate commerce on or about July 2, 1932, by Hanson & Ford, from Galena, Ill., to Dubuque, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 23, 1932, Hanson & Ford, Galena, Ill., having appeared as claimants for the property, and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be sold or disposed of until made to comply with the Federal Food and Drugs Act, under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.***20002. Adulteration and misbranding of butter. U.S. v. 36 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28365. Sample Nos. 3225-A, 5511-A.)**

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 11, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 26, 1932, by the Barron Cooperative Creamery, from Barron, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Shipping package) "Butter Dallas Creamery Co Dallas Wisconsin."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had

171804-33

Rub

6

-675.

60339
145

been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 2, 1932, the Dallas Creamery Co., Dallas, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20003. Adulteration and misbranding of butter. U. S. v. 45 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28625, 28626. Sample Nos. 12801-A, 12802-A.)

These cases involved the shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 8, 1932, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 67 cases of butter, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped in interstate commerce from Mason, Nev., in part on or about June 22, 1932, and in part on or about June 24, 1932, consigned by the Yerington Creamery, Mason, Nev., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Butter * * * Yerington Creamery Mason, Nevada."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent of butterfat had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "Butter," was false and misleading and deceived and misled the purchaser when applied to a product containing less than 80 percent of butterfat.

On July 19, 1932, the Yerington Creamery Co., Mason, Nev., having appeared as claimant for the property, and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$600, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and that it be made to conform with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20004. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28755. Sample No. 9457-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 4, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce August 3, 1932, by Maplelawn Orchards, from Rockland, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Maplelawn Orchards * * * Lincolnville, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20005. Adulteration of blueberries. U.S. v. 5 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28750. Sample No. 9057-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 11, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 10, 1932, alleging that the article had been shipped in interstate commerce by Earl B. Gott, from Bucksport, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Earl B. Gott [or "Golt"] Bucksport Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20006. Adulteration of blueberries. U.S. v. 4 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28752. Sample No. 9063-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 11, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 10, 1932, alleging that the article had been shipped in interstate commerce by L. E. Gould, of Lincolnville, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From L. E. Gould Lincolnville Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20007. Adulteration of blueberries. U.S. v. 4 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28694. Sample No. 9458-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 5, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce August 4, 1932, by E. L. Grindle, of Bluehill, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Ernest Grindle Bluehill Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20008. Adulteration of blueberries. U.S. v. 6 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28853. Sample No. 9480-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 12, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 10, 1932, alleging that the article had been shipped in interstate commerce by W. E. Bailey, from Columbia Falls, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From W. E. Bailey, Columbia Falls, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 1, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20009. Adulteration of blueberries. U.S. v. 3 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28851. Sample No. 9370-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 17, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 16, 1932, from Rockland, Maine, alleging that the article had been shipped in interstate commerce by Archie Wallace, of Friendship, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Archie Wallace, Friendship, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 1, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20010. Adulteration of dried prunes. U.S. v. 426 Cases of Dried Prunes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28252. Sample No. 203-A.)

This action involved the shipment of a quantity of dried prunes, samples of which were found to be moldy and insect-infested.

On April 26, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 426 cases of dried prunes, remaining in the original unbroken packages at San Jose, Calif., alleging that the article had been shipped in interstate commerce on or about March 28, 1932, by Guggenheim & Co., from New Orleans, La., to San Jose, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Pansy Brand Santa Clara Prunes Packed by Guggenheim & Company, California."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On July 28, 1932, Guggenheim & Co., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant, upon the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, and that it be made to conform with the provisions of the said act, under the supervision of this Department, and that claimant pay costs of the proceedings. On August 4, 1932, the entire lot of prunes was destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20011. Adulteration and misbranding of butter. U.S. v. 35 Cubes, et al., of Butter. Product released under bond for reworking. (F. & D. Nos. 28473, 28475. Sample Nos. 984-A, 989-A.)

These actions involved shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 29 and July 2, 1932, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 35 cubes and 10 cartons of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in part on or about June 25, 1932, and in part on or about June 28, 1932, by the Valley Creamery, Ltd., from Milford, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Butter * * * Valley Creamery, Ltd., Milford, Utah." The remainder was labeled in part: (Carton) "Valley Maid Butter * * * Valley Dairy Company, Inc. * * * Los Angeles Valley Creamery, Ltd., Milford * * * Utah Distributors."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding of the article was alleged for the reason that it was labeled in part, "Butter," which was false and misleading, since it contained less than 80 percent of milk fat.

On July 13, 1932, the Lucerne Cream & Butter Co., Los Angeles, Calif., and the Valley Creamery, Ltd., Milford, Utah, claimants for respective portions of the article, having admitted the allegations of the libel and having filed cash release bonds totaling \$400, decrees were entered ordering that the product be delivered to the claimants for reworking under the supervision of this Department. On July 28, 1932, the product having been reworked to bring it into conformity with the law, final decrees were entered ordering that the release be made permanent, that the bonds be exonerated, and that claimant pay costs of the proceeding.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20012. Adulteration and misbranding of butter. U.S. v. 3 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28554. Sample No. 4937-A.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 21, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce, June 4, 1932, by Swift & Co., from Columbus, Nebr., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 29, 1932, the claimant for the property having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20013. Adulteration of blueberries. U.S. v. 3 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction. (F. & D. Nos. 28748, 28758. Sample Nos. 9054-A, 9468-A.)

Samples of blueberries taken from the shipments herein described were found to contain maggots.

On August 8 and 9, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2 lots consisting of 6 crates and 3 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned August 7 and 8, 1932, alleging that the article had been shipped in interstate commerce by William O. Jala, from Rockland, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Wm. O. Jala, Rockland, Me."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20014. Adulteration of blueberries. U.S. v. 5 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28852. Sample No. 9478-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 12, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on August 10, 1932, alleging that the article had been shipped in interstate commerce by M. E. MacPherson, from South Lyndeboro, N.H., to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From M. E. MacPherson, So. Lyndeboro, N. H."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 1, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20015. Adulteration of blueberries. U.S. v. 4 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28850. Sample No. 9367-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 17, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on August 15, 1932, alleging that the article had been shipped in interstate commerce by S. B. & H. Co., from Columbia Falls, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "S. B. & H. Co. * * * Boston, Mass."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 1, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20016. Adulteration of blueberries. U.S. v. 6 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28847. Sample No. 9070-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 13, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on August 12, 1932, alleging

that the article had been shipped in interstate commerce by E. C. Barnard, from Belfast, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From E. C. Barnard, Belfast, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 1, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20017. Adulteration of blueberries. U.S. v. 12 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28754. Sample No. 4953-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 4, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce, August 3, 1932, by Dickey & Tibbets, from Unionville, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Dickey & Tibbets, Unionville, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20018. Adulteration of blueberries. U.S. v. 4 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28695. Sample No. 9459-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 5, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce on August 4, 1932, by Elmer Starr, from Rockland, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Elmer Starr Rockville, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20019. Adulteration of dried apples. U.S. v. 20 Boxes of Dried Apples. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 28520. Sample No. 286-A.)

This case involved the shipment of a quantity of dried apples that were found to be insect-infested and filthy.

On July 28, 1932, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 boxes of dried apples at Honolulu, Hawaii, consigned by the American Factors, Ltd., alleging that the article had been shipped from San Francisco, Calif., to Honolulu, Hawaii, on or about July 18, 1932, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Evap. Apples. Am. Fac. Gd. * * * Honolulu."

It was alleged in the libel that the article was adulterated in that it consisted of a filthy, decomposed, and putrid animal and vegetable substance.

On August 8, 1932, the American Factors, Ltd., having appeared and admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20020. Misbranding of canned mushrooms. U.S. v. 14 Cases of Mushrooms. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28372. Sample No. 10933-A.)

This action involved the shipment of a quantity of canned mushrooms, samples of which were found to contain excessive stems.

On June 7, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of mushrooms at Syracuse, N.Y., alleging that the article had been shipped in interstate commerce on or about February 20, 1932, by Kennett Canning Co., from Kennett Square, Pa., to Syracuse, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Kennett Cultivated Mushrooms Hotels Kennett Canning Co. Kennett Square, Pa. Contents 8 Oz. Mushrooms."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Mushrooms", was false and misleading and deceived and misled the purchaser, when applied to a product consisting of mushrooms and added stems. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article.

On August 23, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20021. Adulteration of shell eggs. U.S. v. 303 Cases of Shell Eggs. Decree of destruction entered. (F. & D. No. 28576. Sample No. 11014-A.)

This case involved the shipment of a quantity of shell eggs that were found to be in part decomposed.

On July 14, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 303 cases of shell eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, on or about March 10, 1931, by the Santa Ana Poultry & Egg Co., from Santa Ana, Tex., to Jersey City, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On August 15, 1932, the owner having expressed a desire to surrender the eggs for destruction, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20022. Adulteration of crab meat. U.S. v. 40 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 28570. Sample No. 13132-A.)

This action involved a quantity of crab meat, samples of which were found to be filthy.

On August 3, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cans of crab meat, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about July 28, 1932, by the Tilghman Packing Co., Tilghman, Md., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy animal substance.

On August 5, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20023. Adulteration of canned frozen eggs. U.S. v. 154 Cans of Frozen Eggs. Decree of condemnation with provision for release of product under bond. (F. & D. No. 28469. Sample No. 7168-A.)

This action was based on the interstate shipment of a quantity of canned frozen eggs, samples of which were found to be in part decomposed.

On July 15, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 154 cans of frozen eggs, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 30, 1931, by the Ovson Egg Co., from Dallas, Tex., to New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ovson Standard Selected Fresh Eggs Frozen * * * A Product of National Dairy Ovson Egg Company Whole Eggs, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On August 10, 1932, the Ovson Egg Co., Chicago, Ill., claimant, having filed an answer confessing the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of until made to comply with the Federal Food and Drugs Act, under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20024. Adulteration of butter. U.S. v. Arthur J. Pogatchnik (Cushing Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. No. 27516. I. S. No. 33950.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 3, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Arthur J. Pogatchnik, trading as Cushing Creamery Co., Cushing Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 13, 1931, from the State of Minnesota into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of March 4, 1923.

On August 30, 1932, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20025. Adulteration of butter. U.S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28691. Sample No. 1666-A.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 28, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 25, 1932, by Smith's Creamery (North Idaho Co-operative Creamery), from Lewiston, Idaho, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should not contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 1, 1932, the North Idaho Co-operative Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws, and that it be brought into conformity with the law under the supervision of this department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20026. Adulteration of shell eggs. U.S. v. 5 Cases, et al., of Shell Eggs. Decree of destruction entered. (F. & D. No. 28556. Sample Nos. 11009-A, 11010-A.)

This action involved the shipment of quantities of shell eggs, which were found to be in part decomposed.

On July 9, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 cases of shell eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, in part on or about April 14, 1931, and in part on or about April 25, 1931, by the E. G. Morse Co., from Mason City, Iowa, to Jersey City, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On August 15, 1932, the owner having expressed a desire to surrender the eggs for destruction, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20027. Adulteration and misbranding of potatoes. U.S. v. 300 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. No. 28655. Sample No. 13408-A.)

This case involved the shipment of a quantity of potatoes which were labeled "U. S. No. 1," and which were found to be below grade.

On August 12, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 sacks of potatoes, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce or on about August 9, 1932, by the George Lafbury Co., from Pomeroy, Ohio, to Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Lbs. Net U. S. No. 1 Grade."

It was alleged in the libel that the article was adulterated in that potatoes below the grade specified on the label had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label "U. S. No. 1 Grade," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 15, 1932, the George Lafbury Co., Pittsburgh, Pa., appeared as claimant, admitted the allegations of the libel, and filed a petition praying release of the product for relabeling, representing that the potatoes were the property of Arvil F. Holter, Mrs. Norma Dean, and Delbert Gaul, all of Chester, Ohio, and that petitioner was acting as agent for the said parties.

20028. Adulteration of cherries. U.S. v. 111 Baskets of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28577. Sample No. 8447-A.)

Arsenic in an amount that might have rendered the article injurious to health was found on cherries taken from the shipment involved in this case.

On July 19, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 111 baskets of cherries, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Wm. Wickham & Son, Hector, N.Y., alleging that the article had been shipped in interstate commerce, on or about July 18, 1932, from Hector, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On August 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20029. Misbranding of canned peaches. U.S. v. 28 Cases, et al., of Canned Peaches. Decrees of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. Nos. 27794, 27808. I. S. Nos. 41124, 52609. S. Nos. 5888, 5905.)

These actions involved the interstate shipment of quantities of canned peaches, samples of which fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, and which was not labeled to indicate that it was substandard.

On February 29, 1932 and March 4, 1932, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 369 cases of canned peaches at Memphis, Tenn., alleging that the article had been shipped in interstate commerce in various consignments on or about August 20, 1931, September 14, 1931, and November 1, 1931, by the Paragould Canning Co., from Paragould, Ark., to Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Crowley's Ridge Brand Yellow Frees Pie Peaches Packed in 10 Degree Syrup [or "Packed in Light Syrup"] * * * Packed by Paragould Canning Co., Paragould, Ark." The remainder were labeled in part: "Crowley's Ridge Brand Water Packed Pie Peaches."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that a portion contained excessive trimming, excessively ragged units, and excessive amounts of peel; and the remainder contained an excessive amount of hard and excessively trimmed fruit and the Brix reading was below 14 degrees and its label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that such canned food fell below such standard.

On August 11, 1932, the Paragould Canning Co., Paragould, Ark., claimant, having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that it should not be sold or disposed of contrary to the laws of the United States and all other laws, and that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20030. Adulteration of cheese. U.S. v. 4 Boxes and 2 Boxes of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28357. Sample Nos. 3283-A, 3284-A.)

This action involved the shipment of a quantity of cheese, analysis of which showed the product to contain excessive moisture.

On May 31, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 boxes of cheese, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 11, 1932, by Fitzgerald & Son, from Watertown, Wis., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was invoiced as "Twins" and was labeled in part: "Wisconsin Factory * * * Dept. of Agr. and Markets

Wisconsin State Brand"; or "Wis. Dept. * * * & Markets Undergrade Wisconsin Factory."

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive moisture, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article.

On July 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20031. Adulteration and misbranding of butter. U.S. v. 9 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28364. Sample Nos. 3224-A, 5510-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 11, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 26, 1932, by the Farmers Cooperative Creamery Co., from Clear Lake, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Butter"; (shipping case) "Farmers Co-Op. Creamery Co., Clear Lake, Wisconsin."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as "Butter," which was false and misleading in that said article contained less than 80 percent of milk fat.

On July 2, 1932, the Farmers Co-Operative Creamery Co., Clear Lake, Wis., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, district, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20032. Adulteration of butter. U.S. v. 12 Cubes of Butter. Product released under bond for reworking. (F. & D. No. 28486. Sample No. 992-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On July 7, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 2, 1932, by B. A. C. Dairy, from Cedar City, Utah, to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From B A C Dairy Cedar City Utah."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

On July 7, 1932, Joseph Thorup, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$100, a decree was entered ordering that the product be delivered to the claimant for reworking under the supervision of this Department. On July 12, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceeding.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20033. Misbranding of butter. U.S. v. Eight 32-pound Cases of Hillside Brand Creamery Butter. Default decree of condemnation and forfeiture. Product delivered to Federal agency. (F. & D. No. 28400. Sample No. 11310-A.)

Sample cartons of butter from the shipment involved in this action were found to contain less than 1 pound, the declared weight.

On May 31, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight 32-pound cases of creamery butter, remaining in the original and unbroken packages at Kingston, N.Y., alleging that the article had been shipped in interstate commerce on or about May 19, 1932, by B. S. Pearsall Butter Co., from Elgin, Ill., to Kingston, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "'Hillside' Brand Creamery Butter B. S. Pearsall Butter Co., Mfrs., Elgin, Ill. * * * One Pound."

It was alleged in the libel that the article was misbranded in that the statement "One Pound" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered for consumption and not for sale to Federal Detention Headquarters at New York, N.Y.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20034. Adulteration and misbranding of butter. U.S. v. 15 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28419. Sample No. 5513-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress. Sample cartons were also found to contain less than 1 pound, the declared weight.

On or about May 19, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of butter remaining in the original unbroken packages at Chicago, Ill. On June 8, 1932, an amended libel was filed. It was alleged in the amended libel that the said 15 cases of butter had been shipped in interstate commerce on or about May 9, 1932, by Lortin Farms, Loring & Martin, from East Saugatuck, Mich., to Chicago, Ill., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "Lortin Farms Pure Creamery Butter, East Saugatuck, Michigan One Pound Net Weight."

Adulteration of the article was alleged in the amended libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "Butter", which was false and misleading, since it contained less than 80 percent of milk fat. Misbranding was alleged for the further reason that the statement "One Pound Net Weight" was false and misleading, since the package contained less than that quantity.

On July 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

28035. Adulteration of blueberries. U.S. v. 6 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction. (F. & D. Nos. 28749, 28760, 28848. Sample Nos. 9056-A, 9072-A, 9471-A.)

Samples of blueberries taken from the shipments herein described were found to contain maggots.

On August 10, 11, and 15, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 3 lots, comprising 15 crates of blueberries, at Boston, Mass., consigned on or about August 9, 10, and 12, 1932, alleging that the article had been shipped in interstate commerce by E. A. Burns, of Lawry, Maine, from Rockland, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From E. A. Burns, Lawry, Me."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18 and September 1, 1932, no claimant having appeared for the property, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20036. Adulteration of blueberries. U.S. v. 7 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction. (F. & D. Nos. 28753, 28757, 28762. Sample Nos. 9064-A, 9466-A, 9473-A.)

Samples of blueberries taken from the shipments herein described were found to contain maggots.

On August 8, 10, and 11, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 3 lots, comprising 15 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 7, 9, and 10, 1932, alleging that the article had been shipped in interstate commerce by John Wainio, from Rockland, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From John Wainio, Rockland [or "West Rockport"] Me."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20037. Adulteration of blueberries. U.S. v. 5 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction. (F. & D. Nos. 28751, 28764. Sample Nos. 9061-A, 9476-A.)

Samples of blueberries taken from the shipments herein described were found to contain maggots.

On August 10 and 11, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2 lots, consisting of 5 crates and 6 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 9 and 10, 1932, alleging that the article had been shipped in interstate commerce by H. E. Pendleton, from Camden, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From H. E. Pendleton, Camden, Me."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20038. Adulteration of blueberries. U.S. v. 7 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction. (F. & D. Nos. 28747, 28756, 28761. Sample Nos. 9051-A, 9465-A, 9472-A.)

Samples of blueberries taken from the shipments herein described were found to contain maggots.

On August 8, 9, and 10, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 3 lots comprising 17 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 7, 8, and 9, 1932, alleging that the article had been shipped in interstate commerce by John Hurme from Rockland, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From John Hurme * * * Rockland, Maine."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20039. Adulteration of blueberries. U.S. v. 5 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28759. Sample No. 9470-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 10, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 9, 1932, alleging that the article had been shipped in interstate commerce by C. C. Ladd, from South Brooksville, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From C. C. Ladd, So. Brooksville, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20040. Adulteration of blueberries. U.S. v. 6 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28763. Sample No. 9474-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 10, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 9, 1932, alleging that the article had been shipped in interstate commerce by Peter Hill, of Rockville, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Peter Hill, Rockville, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20041. Misbranding of vinegar. U.S. v. 65 Barrels of Vinegar. Product ordered released under bond to be brought into compliance with the law. (F. & D. No. 28445. Sample Nos. 1971-A, 18026-A.)

This action involved the shipment of a quantity of vinegar, all of which contained less acetic acid than declared on the label, and a portion of which

contained less than 4 grams of acetic acid per 100 cubic centimeters, i.e., less than the minimum acidity required for vinegar.

On July 2, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 65 barrels of vinegar at Bozeman, Mont., alleging that the article had been shipped in interstate commerce on or about May 2, 1932, by the Keller-Lorenz Co., from Spokane, Wash., to Bozeman, Mont., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "KL Brand Apple Cider Vinegar, 52 Gal., 45 Grs."

It was alleged in substance in the libel that the article was misbranded and that the statements on the label, "KL Brand Apple Cider Vinegar, 52 Gal., 45 Grs.", were false and misleading and deceived and misled the purchaser, since they represented that the article had an acetic acid content of 45 grains, or $4\frac{1}{2}$ grams per 100 cubic centimeters, whereas it contained a less amount. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of "vinegar", when in fact it was not vinegar but was a product with an acetic acid content of less than 4 grams per 100 cubic centimeters. (This latter charge applied only to that portion of the product which was found to contain less than 4 grams of acetic acid per 100 cubic centimeters.)

On August 26, 1932, the Lovelace Grocery Co., Bozeman, Mont., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20042. Adulteration of poppy seed. U.S. v. 2 Bags of Poppy Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28502. Sample No. 8738-A.)

This case involved a quantity of poppy seed, samples of which were found to be contaminated with rodent and insect excreta.

On July 23, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 bags of poppy seed which had been shipped by Levy & Levis Co., Inc., New York, N.Y., to Buffalo, N.Y. It was alleged in the libel that the article had been shipped from Holland, that it has been entered at the Port of New York on or about April 1, 1932, and that it had been shipped from New York, N.Y., to Buffalo, N.Y., on or about May 5, 1932, where it remained in the original unbroken packages, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On August 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20043. Adulteration of poppy seed. U.S. v. 1 Bag, et al., of Poppy Seed. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28505, 28506. Sample Nos. 8870-A, 8871-A.)

These cases involved quantities of poppy seed, samples of which were found to be contaminated with rodent and insect excreta; live-insect infestation also was found in the samples examined.

On July 23, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of four bags of poppy seed, which had been shipped by the Biddle Purchasing Co., from New York, N.Y. to Buffalo, N.Y. It was alleged in the libels that the article had been shipped from Holland, that it had been entered at the port of New York on or about February 2, 1932, that it had been shipped from New York, N.Y., to Buffalo, N.Y., on or about February 11, 1932, where it remained in the original unbroken packages, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On August 30, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20044. Adulteration and misbranding of feed. U.S. v. The Kansas Mill & Elevator Co. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 28088. I.S. Nos. 36354, 36355.)

This action was based on the interstate shipment of quantities of a product represented to consist of gray wheat shorts with wheat screenings, containing 5.5 percent of crude fiber, and which upon examination was found to consist of wheat brown shorts and wheat screenings containing more than the declared amount of fiber.

On May 28, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Kansas Mill & Elevator Co., a corporation, Arkansas City, Kans., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about August 8, 1931, and in part on or about August 15, 1931, from the State of Kansas into the State of Missouri, of quantities of feed that was adulterated and misbranded. The article was labeled in part: (Tag) "Gray Wheat Shorts with Wheat Screenings * * * Fibre, not more than 5.5% * * * Manufactured By The Kansas Mill & Elevator Company * * * Arkansas City, Kans."

It was alleged in the information that the article was adulterated in that brown shorts with wheat screenings containing more than 5.5 percent of fiber had been substituted for gray wheat shorts with wheat screenings containing 5.5 percent of fiber, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Gray Wheat Shorts with Wheat Screenings" and "Fibre, not more than 5.5%", borne on the tags, were false and misleading, and for the further reason that the article was so labeled as to deceive and mislead the purchaser, since it was not gray wheat shorts with wheat screenings containing 5.5 percent of fiber, but was brown wheat shorts with wheat screenings containing more than 5.5 percent of fiber.

On August 15, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20045. Misbranding of canned cherries. U.S. v. Certain Cases of Canned Cherries. Consent decree of condemnation. Product released under bond. (F. & D. No. 27948. I.S. Nos. 32197, 32198, 32199, 32552, 32553, 32554. S. No. 5998.)

This action involved the shipment of a quantity of canned cherries which, upon examination, were found to be water-packed, and which were not labeled with a statement prescribed by the Secretary of Agriculture to show such fact. Sample cans taken from one of the lots were found to contain less than the declared weight.

On May 25, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 792 cases of canned cherries, remaining in the original unbroken packages at Colby, Kans., alleging that the article had been shipped in interstate commerce on or about September 26, 1931, by the Colorado Packing Plant, from Canon City, Colo., to Colby, Kans., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: (Case) "Tiller Brand Cherries"; (can) "Tiller Brand * * * Distributed by The Symms Grocer Co., Atchison, Concordia, Colby, Kansas." The remainder was labeled in part: (Case) "Symms Brand Cherries"; (can) "Symms Brand Packed for the Symms Grocer Company, Atchison, Kansas, Contents 1 Lb. 5 Ozs."

Misbranding was alleged in the libel with respect to both lots for the reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not

bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged with respect to a portion of the product for the further reason that the statement on the label, "Contents 1 pound 5 ounces," was false and misleading, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On August 18, 1932, the Symms-Shafer Mercantile Co., Colby, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$200, conditioned that it is relabeled, that the product should not be disposed of in violation of the Federal Food and Drugs Act, and that claimant pay costs.

R. G. TUGWELL, Acting Secretary of Agriculture.

20046. Adulteration of canned prunes. U.S. v. National Fruit Canning Co. Pleas of guilty. Total fines, \$20 and costs. (F. & D. Nos. 27528, 27529. I.S. Nos. 11004, 18226.)

These cases were based on the shipment of quantities of canned prunes, samples of which were found to be decomposed.

On September 9, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid two informations against the National Fruit Canning Co., a corporation, trading at Seattle, Wash., charging violation of the Food and Drugs Act. It was alleged in the informations that the defendant company had shipped, on or about November 15, 1930, from Sherwood, Oreg., consigned to itself at Seattle, Wash., a quantity of canned prunes that were adulterated, and had shipped on or about November 26, 1930, from Seattle, Wash., via New Orleans, La., to Ottumwa, Iowa., a quantity of canned prunes that were also adulterated. A portion of the article was labeled in part: (Cans) "Real Fruit Brand Packed by National Fruit Canning Co. Seattle-Wash. Italian Prunes." The remainder were labeled: "WIPSO."

Adulteration of the article was alleged in the informations for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On September 27, 1932, the defendant company entered a plea of guilty to each information, and the court imposed fines and costs totaling \$20.

R. G. TUGWELL, Acting Secretary of Agriculture.

20047. Adulteration of bluefins. U.S. v. 3 Boxes of Bluefins, et al. Consent decrees of destruction entered. (F. & D. Nos. 28501, 28549, 28654. Sample Nos. 5842-A, 8849-A, 15414-A.)

These cases involved shipments of fish that were found to be infested with worms.

On July 22 and August 12, 1932, the United States attorney for the Eastern District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of six boxes of bluefins at Covington, Ky. On July 29, 1932, the United States attorney for the Western District of Pennsylvania filed a libel against seven boxes of bluefins at Pittsburgh, Pa. The product covered by the said libels had been shipped in interstate commerce by the Hogstad Fish Co., Duluth, Minn., between the dates of July 18, 1932 and August 8, 1932. The libels alleged that the article had been shipped from Duluth, Minn., into the States of Kentucky and Pennsylvania, and that it was adulterated in violation of the Food and Drugs Act. Portions of the article were labeled in part: "Dr. Bluefins from Hogstad Fish Co., Duluth, Minn." The remainder was labeled in part: "Dressed Bluefins."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and for the further reason that it consisted of portions of animals unfit for food.

On July 22, August 1, and August 12, 1932, by consent of the consignees, decrees were entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, Acting Secretary of Agriculture.

20048. Adulteration of bluefins. U.S. v. 5½ Boxes, et al., of Fish. Consent decrees of condemnation and destruction. (F. & D. Nos. 28545, 28550. Sample Nos. 8847-A, 8850-A.)

These cases involved the shipment of two lots of bluefins which, upon examination, were found to be infested with parasitic worms.

On July 28 and July 29, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11½ boxes of fish, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce in part on or about July 23 and in part on or about July 25, 1932, by Sam Johnson & Son's Fisheries, Inc., from Duluth, Minn., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dr. Bluefins Sam Johnson & Son's Fisheries, Inc., Duluth, Minnesota."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On July 29 and August 1, 1932, the consignees having consented to the entry of decrees and no other claimant having appeared, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20049. Adulteration of canned salmon. U.S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$300. (F. & D. No. 28125. I.S. Nos. 12776, 22375, 22501, 22504.)

This case was based on the shipment of quantities of canned salmon, samples of which were found to be tainted or stale.

On August 30, 1932, the United States attorney for the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Libby, McNeill & Libby, a corporation, trading at Craig, Alaska, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 15, 1931, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated. A portion of the article was labeled in part: (Can) "Rose-Dale Brand Medium Red Salmon Libby, McNeill & Libby, Chicago." A portion was labeled in part: (Can) "Happy-Vale Brand Pink Salmon * * * Packed For Emery Food Co. Chicago." The remainder was labeled, "JIV" with various code numbers.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On September 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20050. Adulteration and misbranding of fountain fruit sirups. U.S. v. Fialla & Eppler, Inc. Plea of guilty. Fine, \$600. (F. & D. No. 28141. I.S. Nos. 20452, 28949, 28950.)

This case was based on the shipment of quantities of sirups that were deficient in fruit juices and that contained undeclared added acid.

On August 3, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Fialla & Eppler, Inc., a corporation, New York, N.Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 20, 1930, from the State of New York into the State of New Jersey, and on or about March 2, 1931, from the State of New York into the State of Connecticut, of quantities of fruit sirups that were adulterated and misbranded. The articles were labeled in part: "Sterling Brand * * *. Concentrated Fountain Syrup Strawberry [or "Raspberry"] * * * Prepared by Fialla & Eppler, Inc. New York N.Y."

It was alleged in the information that the articles were adulterated in that sirups deficient in fruit juices and containing undeclared added acid had been substituted for concentrated strawberry and raspberry sirups, which the articles

purported to be. Adulteration was alleged for the further reason that undeclared added acid had been mixed with the articles in a manner whereby inferiority, their deficiency in strawberry and raspberry juices, was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Concentrated * * * Syrup Strawberry," and "Concentrated * * * Syrup Raspberry," borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, in that the said statements represented that the articles were strawberry and raspberry sirups, whereas they were not, since they were deficient in fruit juices and contained undeclared added acid to conceal the shortage of said fruit juices.

On August 15, 1932, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$200 on each of the six counts of the information. Execution of sentence was suspended, however, as to counts 2, 4, and 6, the total fine imposed being \$600.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20051. Adulteration of tomato catsup. U.S. v. 114 Cases of Tomato Catsup. Consent decree of condemnation and destruction. (F. & D. No. 27414. I.S. No. 44901. S. No. 5525.)

This case involved the shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold.

On December 28, 1931, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 114 cases of tomato catsup, remaining in the original unbroken packages at Sioux Falls, S.Dak., alleging that the article had been shipped in interstate commerce, on or about November 3, 1931, by the Rocky Mountain Packing Corporation, from Ogden, Utah, to Sioux Falls, S.Dak., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Western Club Brand Catsup * * * Packed for Sioux Falls Coffee & Spice Co., Sioux Falls, S.Dak."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance unfit for human consumption.

On August 26, 1932, the Rocky Mountain Packing Corporation, Ogden, Utah, having entered an appearance and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal, and that costs be taxed against intervener.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20052. Alleged adulteration of butter. U.S. v. Trout Brook Creamery Co. Tried to a jury. Verdict of not guilty. (F. & D. No. 28093. I.S. No. 30510.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 28, 1932, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Trout Brook Creamery Co., a corporation, Concord, Vt., charging shipment by said company, in violation of the Food and Drugs Act, on or about May 5, 1931, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was alleged to have been adulterated.

Adulteration was alleged in the information for the reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of March 4, 1923.

On July 14, 1932, a plea of not guilty to the information was entered on behalf of the defendant company. On September 21, 1932, the case came on for trial and on September 22, 1932, the jury returned a verdict of not guilty.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20053. Adulteration and misbranding of preserves. U.S. v. Mrs. G. L. Harting, a Corporation. Plea of nolo contendere. Fine, \$50. (F. & D. No. 28075. I.S. Nos. 28736 to 28741, incl.; 28770, 28771, 28772, 28773.)

This action was based on the interstate shipment of quantities of preserves that were found to contain added undeclared pectin. Sample jars taken from each of the consignments were found to contain less than the declared weight.

On July 13, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Mrs. G. L. Harting, a corporation, Philadelphia, Pa., alleging shipment by said company, between the dates of January 8, 1931 and April 30, 1931, from the State of Pennsylvania into the State of Virginia, of quantities of preserves that were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "2 Pounds Net Avd. Hygeia brand Pure Strawberry [or "Peach" or "Pineapple"] Preserves Distributed by Old Dominion Tobacco Co., Norfolk, Va."

It was alleged in the information that the articles were adulterated in that an undeclared added substance, to wit, pectin, had been substituted in part for pure strawberry, peach, or pineapple preserves, which the articles purported to be.

Misbranding was alleged for the reason that the statements, "Pure Strawberry Preserves," "Pure Peach Preserves," "Pure Pineapple Preserves," and "2 Pounds Net Avd.," borne on the jar labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they did not consist solely of the said fruit preserves, but consisted in part of added undeclared pectin, and the jars contained less than 2 pounds net weight. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "2 Pounds Net Avd." was incorrect, the quantity of the contents of some of the jars being not more than 30.50 ounces, and the average net quantity of the contents of all jars examined being less than 2 pounds net.

On September 19, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20054. Adulteration and misbranding of figs. U.S. v. Americo Ghianda (A. Ghianda). Plea of guilty. Fine, \$120. (F. & D. No. 28132. I.S. Nos. 264, 22527, 31962, 31964, 31965.)

This case was based on the interstate shipment of quantities of figs, samples of which were found to be insect-infested, moldy, filthy, and sour.

On September 7, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Americo Ghianda, Thermalito, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, between the dates of October 13 1931 and December 9, 1931, from the State of California, in part into the State of Washington and in part into the State of Utah, of quantities of figs that were adulterated and misbranded. The article was labeled in part: "Shasta Brand Figs Fancy White Adriatic [or "Fancy Black Mission"] Grown & Packed by A. Ghianda Thermalito, California."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable and animal substance.

Misbranding was alleged for the reason that the statements, "Fancy White Adriatic Figs" or "Fancy Black Mission Figs", borne on the labels, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was Fancy figs of superior quality and condition, whereas they consisted in part of a filthy and decomposed vegetable substance and were insect-infested.

On September 22, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$120.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20055. Adulteration of tomato puree. U.S. v. 1,880 Cases, et al., of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27072. I.S. Nos. 261, 262. S. No. 5318.)

This case involved the shipment of a quantity of tomato puree, samples of which were found to contain excessive mold.

On October 13, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3,200 cases of tomato puree, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about February 14 and March 1, 1931, by the Varney Canning Co. Inc., from Ogden, Utah, to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The cases containing the article were labeled in part, "Tomato Puree." The cans containing a portion were labeled in part: "Leota Brand Puree * * * Varney Canning, Inc., Roy, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On August 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20056. Adulteration and misbranding of butter. U.S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28480. Sample No. 4948-A.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On June 22, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 14, 1932, by La Farge Creamery & Cheese Co., from La Farge, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 11, 1932, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20057. Misbranding of butter. U.S. v. 9 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28479. Sample Nos. 4946-A, 6080-A.)

This action involved the shipment of a quantity of butter, samples of which were found to be short weight.

On June 17, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine cartons of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 6, 1932, by Harms Creamery Co., from Hillsboro, Kans., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package) "30 Butter Keep Cool."

It was alleged in the libel that the article was misbranded in that the statement "30" on the shipping carton, representing that it contained thirty 1-pound prints, was false and misleading, since the package contained less than so represented.

On June 30, 1932, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20058. Adulteration and misbranding of butter. U.S. v. 26 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28477. Sample No. 3266-A.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On June 24, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 18, 1932, by the Hustler Farmers Creamery Co., from Hustler, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On August 26, 1932, Hustler Farmers Creamery Co., Hustler, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20059. Adulteration of canned salmon. U.S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$500. (F. & D. No. 26668. I.S. Nos. 1098, 1188, 1189, 1334, 1335, 1339.)

This action was based on the manufacture and shipment of canned salmon, samples of which were found to be tainted or stale.

On July 11, 1932, the United States attorney for the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Libby, McNeill & Libby, a corporation, trading at Karheen, Alaska, alleging that on or about August 10, 1930, the said defendant had manufactured a quantity of canned salmon that was adulterated in violation of the Food and Drugs Act, and that on or about September 12, 1930, the defendant company had shipped from Alaska into the State of Washington a quantity of adulterated canned salmon, in further violation of the said act. The article was labeled in part: "Happy-Vale Brand Pink Salmon Emery Food Co., Chicago."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On September 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20060. Misbranding of canned cherries and canned corn. U.S. v. 30 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and sale. U.S. v. 82 Cases of Canned Corn. Product adjudged misbranded and ordered released under bond to be relabeled. (F. & D. Nos. 28484, 28485. Sample Nos. 2386-A, 2397-A.)

These actions involved shipments of canned cherries and canned corn, respectively. Sample cans, examined from both lots, were found to contain less than the declared weight. The canned cherries were also found to be below the standard for canned cherries promulgated by this Department and were not labeled to show that they were substandard.

On July 21, 1932, the United States attorney for the District of New Mexico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 30 cases of canned cherries at Las Vegas, N.Mex., and 82 cases of canned corn at Albuquerque, N.Mex. It was alleged in the libels that the articles had been shipped in interstate commerce by the Oteo Food Products Co., of Nebraska City, Nebr., the canned corn having been shipped on or about October 29, 1930, from Hamburg, Iowa, to Albuquerque, N.Mex., and the canned cherries having been shipped on or about November 21, 1931, and March 3, 1932, from Nebraska City, Nebr., to Las Vegas, N.Mex., and that they were misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Nature's Best Oteo Brand Pitted Red Cherries Net Weight 1 Lb. 5 Oz.;" and "Pioneer Brand Narrow Grain Sugar Corn Contents 1 Lb. 1½ oz.;" "Packed By Oteo Food Products Co. Nebraska City, Nebraska."

It was alleged in the libels that the articles were misbranded in that the statement "Net Weight 1 Lb. 5 Oz." with respect to the canned cherries, and the statement, "Contents 1 Lb. 1½ oz.," with respect to the canned corn, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages. Misbranding of the canned cherries was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that the liquid portion read less than 16 degrees Brix, and its label did not bear a plain and conspicuous statement as prescribed by the Secretary, indicating that the article fell below such standard. Misbranding of the canned cherries was alleged for the further reason that the label was false and misleading, since it did not apprise the purchaser that the article was water-packed cherries.

On August 22, 1932, no claimant having appeared for the canned cherries, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article be relabeled "Water-Packed Cherries, Contents One Lb.," and sold by the United States marshal. On the same date, the Brown Bros. Brokerage Co., having appeared as claimant for the canned corn, a decree was entered adjudging the product to be misbranded in that it was short weight, and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$375. conditioned that it be relabeled "One Lb.," and that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20061. Adulteration and misbranding of butter. U.S. v. 31 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28553. Sample Nos. 3930-A, 3942-A.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On or about July 5, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 31 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 21, 1932, by Wauzeka Creamery Co., from Wauzeka, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butter fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had

been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butter fat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 11, 1932, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20062. Adulteration of butter. U.S. v. Ainsworth Farmers Cooperative Creamery Co. Plea of nolo contendere. Fine, \$5. (F. & D. No. I.S. Nos. 44960, 44972.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 6, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Ainsworth Farmers Cooperative Creamery Co., a corporation, Ainsworth, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 7, 1931, from the State of Nebraska into the State of Iowa, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of March 4, 1923.

On September 19, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20063. Misbranding of cottonseed screenings. U.S. v. East St. Louis Cotton Oil Co. (Forrest City Cotton Oil Mill). Plea of nolo contendere. Fine, \$25. (F. & D. No. 28098. I.S. No. 23801.)

This action was based on the interstate shipment of a quantity of cottonseed screenings, samples of which were found to contain less protein than the minimum declared on the label.

On July 9, 1932, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the East St. Louis Cotton Oil Co., a corporation organized under the laws of the State of Illinois and trading as the Forrest City Cotton Oil Mill at Forrest City, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 5, 1931, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed screenings that were misbranded. The article was labeled in part: "Kansas Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43% * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

It was alleged in the information that the article was misbranded in that the statements, "43% Protein Cottonseed Cake or Meal" and "Guaranteed Analysis Protein, not less than 43%", borne on the tags attached to the sacks containing the article, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On August 31, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20064. Adulteration and misbranding of butter. U. S. v. 24 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28463. Sample No. 7453-A.)

This case involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 22, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cases of butter, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped in interstate commerce, on or about June 13, 1932, by Armour Creameries, from Jackson, Miss., to Baton Rouge, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Spring Brook Brand Creamery Butter * * * Distributed by Armour Creameries, * * * Chicago."

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading.

On July 12, 1932, Armour & Co., Ltd., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be reworked under the supervision of this Department and that it should not be sold or otherwise disposed of until inspected and found to comply with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20065. Adulteration of mustard seed. U. S. v. 165 Bags of Mustard Seed. Consent decree ordering product released under bond to be reconditioned. (F. & D. No. 28465. Sample No. 10076-A.)

This action involved a lot of imported mustard seed which, upon examination, was found to be filthy.

On July 13, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 165 bags of mustard seed, alleging that the article had been shipped in foreign commerce, by A. J. & Co., Inc., from Hull, England, to New York, N.Y., that it had been entered at the port of New York on or about August 20, 1928, that it remained in the original unbroken packages at Hoboken, N.J., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "A. J. & Co., England."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 29, 1932, the Charles T. Wilson Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the product, judgment was entered ordering that the goods be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be cleaned to eliminate the filthy material, that it be inspected by a representative of this Department, and that any part which had not been properly cleaned and brought into compliance with the Federal Food and Drugs Act be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20066. Adulteration and misbranding of butter. U. S. v. 35 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. No. 28404. Sample No. 10940-A.)

Samples of butter from the shipment herein described were found to contain less than 80 percent of milk fat, the standard provided by Congress.

On June 1, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 cases (30 one-pound cartons each) of butter

at Troy, N.Y., alleging that the article had been shipped in interstate commerce by Paul A. Schulze Co., from East St. Louis, Mo. (Illinois), on or about May 19, 1932, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

Misbranding was alleged for the reason that the packages were labeled "butter", which was false and misleading since the article contained less than 80 percent of milk fat.

On July 26, 1932, Paul A. Schulze Co., claimant, consenting to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be made to comply with the law under the supervision of this Department, and conditioned further that it should not be disposed of except in compliance with the law, State, city, and Federal, and particularly, that it contain at least 80 percent of butter fat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20067. Adulteration of butter. U.S. v. 11 Cubes of Butter. Product released under bond for reworking. (F. & D. No. 28474. Sample No. 988-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On July 2, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 28, 1932, by Beaver Valley Creamery, from Milford, Utah, to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Beaver Valley Creamery Beaver, Utah."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

On July 5, 1932, Joseph Thorup, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$100, a decree was entered ordering that the product be delivered to the claimant for reworking under the supervision of this Department. On July 7, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceeding.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20068. Adulteration of apples. U.S. v. 22 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28459. Sample No. 4919-A.)

This action involved the interstate shipment of a quantity of apples which were found to bear arsenic and lead in an amount which might have rendered the article injurious to health.

On June 10, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 boxes of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on May 27, 1932, by Prentice Packing & Cold Storage Co., from Yakima, Wash., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts that might have rendered the article injurious to health.

On July 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20069. Adulteration of canned frozen eggs. U.S. v. 1,506 Cans of Frozen Eggs. Product ordered released under bond to be salvaged, and unfit portion destroyed. (F. & D. No. 28439. Samples Nos. 11007-A, 11008-A.)

This action involved shipments of canned frozen eggs, samples of which were found to be in part decomposed.

On June 29, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,506 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about May 16, 1932, by Standard Brands, Inc., from East St. Louis, Ill., to Jersey City, N.J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fleischmann's Frozen Laid Whole Eggs Frozen * * * Distributed by Standard Brands, Inc., New York City."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

The Standard Brands, Inc., New York, N.Y., interposed a claim, admitted the allegations of the libel, and consented to the entry of a decree condemning and forfeiting the goods. On July 11, 1932, a decree was entered providing for release of the property, upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that the product be salvaged by sorting out, separating and destroying, or denaturing for technical uses, all cans containing bad eggs; and that the cans containing only good eggs be disposed of in compliance with the Federal Food and Drugs Act and all laws, Federal and State.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20070. Misbranding of butter. U.S. v. 10 Cases of Butter. Default decree of destruction entered. (F. & D. No. 28443. Sample No. 7542-A.)

This case involved a shipment of print butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On June 22, 1932, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ten 32-pound cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped in interstate commerce on June 14, 1932, by Swift & Co., from Nashville, Tenn., to Savannah, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Southern Belle Creamery Butter 1 Lb. Net Weight * * * Distributed by Swift & Company. * * * Chicago."

It was alleged in the libel that the article was misbranded in that the statement on the packages, "1 Lb. Net Weight", was false and misleading and tended to deceive and mislead the purchaser, since the packages did not contain 1 pound. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On July 22, 1932, no claimant having appeared, default was entered, and the court ordered that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20071. Adulteration and misbranding of butter. U.S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28423. Sample No. 4153-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 1, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 10, 1932, by the Watervliet Creamery Co., from Watervliet, Mich., to Chicago, Ill., and charging adulteration and

misbranding in violation of the Food and Drugs Act. The article was labeled in part, (carton) "Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20072. Adulteration and misbranding of olive oil. U.S. v. Forty 1-Gallon Cans of Alleged Olive Oil. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 28277. Sample No. 10302-A.)

This action involved the shipment of a quality of alleged olive oil, samples of which were found to contain little or no olive oil. Sample cans were also found upon examination to contain less than 1 gallon, the declared volume.

On May 5, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty 1-gallon cans of alleged olive oil, remaining in the original and unbroken packages at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about October 13, 1931, by Uddo Taormina Corporation, from Brooklyn, N.Y., to Newark, N.J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Contents One Gallon Olive Oil Compounded with Cottonseed Oil Italy Brand Trade Mark Italy Brand."

It was alleged in the libel that the article was adulterated in that cottonseed oil with little or no olive oil had been mixed and packed with and substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statements on the label, "Contents One Gallon Olive Oil * * * Italy", were false and misleading and deceived and misled the purchaser, when applied to an article short of the declared volume and containing little or no olive oil. Misbranding was alleged for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 3, 1932, the owner having consented to the entry of a decree-judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20073. Adulteration of celery. U.S. v. Sanford-Oviedo Truck Growers, Inc. Plea of guilty. Fine, \$50. (F. & D. No. 27424. I.S. Nos. 29918, 30441, 30442, 30546, 30739, 33898, 35639, 35640, 35641.)

This case was based on the interstate shipment of quantities of celery, samples of which were found to bear arsenic and lead, or arsenic only, in amounts that might have rendered the article injurious to health.

On August 16, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Sanford-Oviedo Truck Growers, Inc., Avon Park, Fla., alleging shipment by said company in violation of the Food and Drugs Act, in various consignments between the dates of May 27, 1931 and June 11, 1931, from the State of Florida into the States of Illinois, New York, Massachusetts, and Pennsylvania, respectively, of quantities of celery that was adulterated. A portion of the article was labeled in part: "Rex Beach Autograph Brand * * * Celery Rex Beach Farms Avon Park, Florida."

Adulteration was alleged in four counts of the information for the reason that the article contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health, and in two of the counts, that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered it injurious to health.

On September 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20074. Adulteration and misbranding of butter. U.S. v. 10 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28551, 28552. Sample Nos. 3257-A, 3268-A.)

These actions involved the shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On or about June 22, 1932 and June 24, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 22 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about June 13, 1932, and in part on or about June 14, 1932, by Swift & Co., from Salina, Kans., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 2 and July 16, 1932, the G. H. Hammond Co., and Swift & Co., both of Chicago, Ill., having appeared as claimants for respective portions of the product and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants for reworking under the supervision of this Department, upon payment of costs and the execution of bonds in the total sum of \$300, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20075. Adulteration of canned frozen whole eggs. U.S. v. Morning Glory Creameries, Inc. Plea of guilty. Fine, \$50. (F. & D. No. 28133. I.S. No. 36889.)

This action was based on the interstate shipment of a quantity of canned frozen whole eggs, samples of which were found to be decomposed.

On August 13, 1932, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Morning Glory Creameries, Inc., trading at Houston, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 11, 1931, from the State of Texas into the State of Louisiana, of a quantity of canned frozen whole eggs that were adulterated. The article was labeled in part: (Cans) "Keith's Kaoka Whole Egg."

It was alleged in the information that the article was adulterated in that it consisted in part of a putrid and decomposed animal substance.

On September 28, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20076. Adulteration of crab meat. U.S. v. 31 Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28574, 28630. Sample Nos. 13136-A, 15915-A.)

These actions involved the interstate shipment of quantities of crab meat, samples of which were found to contain filth.

On August 3 and August 9, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 106 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in part on or about July 29, 1932, and in part on or about August 5, 1932, by Coulbourne & Jewett, from St. Michaels, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy animal substance.

On August 31, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20077. Adulteration of mustard seed, caraway seed, and cumin seed. U.S. v. 37 Bags of Mustard Seed, et al. Consent decrees of condemnation. Product released under bond to be cleaned. (F. & D. Nos. 28561, 28718, 28719, 28736. Sample Nos. 8876-A, 8884-A, 8885-A, 8891-A, 8892-A, 8893-A, 8894-A.)

These cases involved quantities of mustard seed, caraway seed, and cumin seed that were contaminated with insect, rodent, or other animal excreta.

On August 1, August 17, and August 20, 1932, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 307 bags of mustard seed, 32 bags of caraway seed, and 29 bags of cumin seed at Rochester, N.Y., which had been shipped in interstate commerce by the R. T. French Co., from Philadelphia, Pa. It was alleged in the libels that the articles were shipped into the State of New York between the dates of March 18, 1931 and April 19, 1932, that they remained in the original unbroken packages at Rochester, N.Y., and that they were adulterated in violation of the Food and Drugs Act.

The libels charged adulteration of the articles in that they consisted in whole or in part of filthy vegetable substances.

On September 26, 1932, the R. T. French Co., Philadelphia, Pa., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that they be cleaned and should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws, nor until inspected by a representative of this Department. It was further ordered that any portion of the said products that were not approved by this Department be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20078. Adulteration of mustard seed. U.S. v. 9 Bags of Mustard Seed. Default decree of condemnation and destruction. (F. & D. No. 28706. Sample Nos. 8836-A, 8841-A.)

This action involved the interstate shipment of a quantity of mustard seed, samples of which were found to contain rodent excreta.

On September 10, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine bags of mustard seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 2, 1930, by Irwin-Harrison-Whitney, Inc., from Jersey City, N.J., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 12, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20079. Misbranding of canned tomatoes. U.S. v. 230 Cases, et al., of Canned Tomatoes. Decrees of condemnation entered. Product released under bond to be relabeled. (F. & D. Nos. 28557, 28679. Sample Nos. 7181-A, 13377-A.)

These cases involved the shipment of guaranties of canned tomatoes that contained excessive peel and were not labeled to indicate that they were substandard. It was represented on the label that the article was packed in Miami, Fla., whereas it was packed in Crystal Springs, Miss.

On July 30 and August 16, 1932, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 230 cases and 198 cases, respectively, of canned tomatoes. The libel filed July 30 was amended to read 450 cases, the libels after said amendment covering a total of 648 cases. It was alleged in the libels that the article had been shipped in interstate commerce on or about July 20 and July 21, 1932, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., that it remained in the original unbroken packages in various lots at Litcher, Donaldsonville, White Castle, Plaquemine, Baton Rouge, Morgan City, New Iberia, Lafayette, Thibodaux, Houma, and New Orleans, La., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Orla Brand Standard Pack Tomatoes * * * Packed in Miami, Fla."

Misbranding was alleged in the libels for the reason that the statements on the label, "Standard Pack * * * Packed in Miami, Fla.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence therein of excessive peel, and the package or label did not bear a plain and conspicuous statement described by the Secretary, indicating that such canned food fell below such standard.

On August 16 and August 27, 1932, the Uddo-Taormina Corporation, a corporation organized under the laws of Delaware, having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,350, conditioned that it be relabeled under the supervision of this Department, and further conditioned that it should not be sold or disposed of until inspected and found to be in compliance with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20080. Adulteration of crab meat. U.S. v. 275 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28645. Sample No. 15916-A.)

This action was based on the interstate shipment of a quantity of crab meat, samples of which were found to contain filth.

On August 11, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about August 8, 1932, by F. P. Long & Co., from St. Michaels, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy animal substance.

On August 31, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20081. Adulteration of crab meat. U.S. v. 50 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28628. Sample No. 13153-A.)

This action involved the interstate shipment of a quantity of crab meat, samples of which were found to contain filth.

On August 9, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 5, 1932, by White & Nelson, from Hoopersville, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal substance.

On August 31, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20082. Adulteration of crab meat. U.S. v. 90 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. 28592. Sample No. 13139-A.)

This action was based on the shipment of a quantity of crab meat, samples of which were found to contain filth.

On August 5, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 2, 1932, by A. N. Faulkner & Co., from Tilghman, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal substance.

On August 31, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20083. Adulteration of crab meat. U.S. v. 13 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28644. Sample No. 15919-A.)

This action involved the interstate shipment of a quantity of crab meat, samples of which were found to contain filth.

On August 15, 1932, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 cans of crab meat, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped on or about August 8, 1932, by Alexander Haddaway, from Claiborne, Md., to Wilmington, Del., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal substance.

On September 8, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20084. Adulteration of crab meat. U.S. v. Fifteen 1-Gallon Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28604, 28648. Sample Nos. 13144-A, 13160-A.)

These actions involved the shipment of quantities of crab meat, samples of which were found to contain filth. The matter was reported to the proper United States attorneys by the Secretary of Agriculture.

On August 8, 1932, the United States attorney for the District of Delaware, filed in the District Court of the United States for said district a libel praying seizure and condemnation of fifteen 1-gallon cans, each containing 5 cans of crab meat, at Wilmington, Del. On August 11, 1932, the United States attorney for the Eastern District of Pennsylvania, filed a libel against 35 cans of crab meat at Philadelphia, Pa. It was alleged in the libels that the article had been shipped in interstate commerce by A. B. Harris, from Oxford, Md., the former on or about August 3, 1932, and the latter on or about August 8, 1932, that it remained in the original unbroken packages, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration was alleged in the libels in that the article consisted of a filthy animal substance.

On August 31 and September 8, 1932, no claimant having appeared in either case, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20085. Adulteration of crab meat. U.S. v. 95 Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28605, 28610, 28653. Sample Nos. 13146-A, 15906-A, 15910-A, 15920-A.)

These actions involved the shipment of quantities of crab meat, samples of which were found to contain filth. The matter was reported to the proper United States attorneys by the Secretary of Agriculture.

On August 6, 1932, the United States attorney for the Eastern District of Pennsylvania, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 600 cans of crab meat at Philadelphia, Pa., and 95 cans at Ardmore, Pa. On or about August 10 and 15, 1932, the United States attorney for the District of Delaware filed libels against 235 cans of crab meat at Wilmington, Del. It was alleged in the libels that the article had been shipped in interstate commerce by the J. M. Clayton Co., from Cambridge, Md., between the dates of August 3 and August 8, 1932, that it remained in the original unbroken packages, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration was alleged in the libels for the reason that the article consisted of a filthy animal substance.

On August 31 and September 8, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20086. Adulteration of crab meat. U.S. v. 99 Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28593, 28646, 28647. Sample Nos. 13141-A, 13157-A, 13158-A.)

This action involved the shipment of quantities of crab meat, which upon examination was found to contain filth.

On August 5 and August 11, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 232 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in part on or about August 2, and in part on or about August 8, 1932, by C. B. Frey, from Tilghman, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted of a filthy animal substance.

On August 31, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20087. Adulteration of currants. U.S. v. 8 Crates of Currants. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28615. Sample No. 4221-A.)

This action involved the shipment of a quantity of currants, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On July 16, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 13, 1932, by Jochem Bros., from Bridgman, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered the article injurious to health.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20088. Misbranding of butter. U.S. v. 100 Cases of Butter. Consent decree of condemnation. Product released under bond for reprinting. (F. & D. No. 28403. Sample No. 8679-A.)

This case involved the shipment of a quantity of butter, sample prints of which were found to be short of the declared weight, 1 pound.

On June 3, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 100 cases, each containing thirty 1-pound prints of butter, remaining in the original unbroken packages at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about May 26, 1932, by the Iowa State Brand Creameries, from Mason City, Iowa, to Buffalo, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "‘Clover Land’ Brand Fancy Print Butter One Pound Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the labels, "One Pound Net Weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On September 14, 1932, the Iowa State Brand Creameries, Inc., Mason City, Iowa, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be reprinted and relabeled under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20089. Adulteration of canned salmon. U.S. v. 365 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28710. Sample No. 14780-A.)

This action involved a shipment of canned salmon, samples of which were found to be decomposed.

On August 17, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 365 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 6, 1932, by the Alaska Year Round Canneries, from Seldovia, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Tall Cans Red Ayreo."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On August 22, 1932, the Alaska Year Round Canneries Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned

in part that the decomposed portion be separated from the fit portion, and that the article should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20090. Adulteration of caraway seed. U.S. v. 5 Bags of Caraway Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28705. Sample No. 8483-A.)

This action involved a shipment of caraway seed that was found to be contaminated with rodent excreta.

On August 17, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five bags of caraway seed, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about June 10, 1932, by C. M. Van Sillevoldt, from New York, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20091. Adulteration of tullibees. U.S. v. 21 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. No. 27766. I.S. No. 39502. S. No. 5862.)

The case involved the shipment of a quantity of fish that were infested with worms.

On February 19, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 21 boxes of tullibees, remaining in the original unbroken packages at Washington, D.C., alleging that the article had been shipped on or about October 30, 1931, by Fulton Market & Refrigerator Co., from New York, N.Y. (invoiced by Atlantic Coast Fisheries, New York), to Washington, D.C., and had been transported from the State of New York into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Product of Canada 1393 Fulton Mkt. Ref. Co."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and putrid animal substance, and in that it was a portion of an animal unfit for food.

On September 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20092. Adulteration of currants. U.S. v. 15 Crates of Currants. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28620. Sample No. 5247-A.)

This action involved the shipment of a quantity of currants, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On July 21, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 15 crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 17, 1932, by the Northern Fruit Co., from Ludington, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20093. Adulteration of currants. U.S. v. 14 Crates of Currants. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28617. Sample No. 5226-A.)

This action involved the shipment of a quantity of currants, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On July 19, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 14, 1932, by W. H. Wark, from South Haven, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered the article injurious to health.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20094. Adulteration of currants. U.S. v. 8 Crates, et al., of Currants. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28618, 28619. Sample Nos. 5244-A, 5245-A.)

These actions involved shipments of quantities of currants, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On July 22, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11 crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 14, 1932, by A. D. Baldwin, from Bridgman, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered the article injurious to health.

On September 26, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20095. Misbranding of canned sauerkraut juice and canned sauerkraut. U.S. v. 50 Cases of Canned Sauerkraut Juice, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 28562, 28567. Sample Nos. 2119-A, 2120-A.)

These actions involved the shipment of quantities of canned sauerkraut juice and canned sauerkraut. Sample cans taken from both products were found to contain less than the declared weight or volume.

On August 8, 1932, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 50 cases of canned sauerkraut juice and 290 cases of canned sauerkraut, remaining in the original unbroken packages at Denver, Colo., consigned by Frank Pure Food Co., Franksville, Wis., alleging that the articles had been shipped in interstate commerce, the former on or about April 12, 1932, and the latter on or about June 24, 1932, from Franksville, Wis., to Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Cans) "Frank's Netherlands Brand Kraut Juice. Packed by the Frank Pure Food Co., Franksville, Wisconsin. Contents One Pint;" "Red & White Brand Sauerkraut, Net Weight 1 Lb. 1 Oz."

It was alleged in the libels that the articles were misbranded in that the statements, "Net Weight 1 Lb. 1 Oz." and "Contents One Pint," appearing on the can labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the products were in package form and the quantity of the contents was not plainly and

conspicuously marked on the outside of the packages, since the quantities stated were incorrect.

On September 17, 1932, Brown Bros. Brokerage Co., a Colorado corporation, having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,225, conditioned in part that they be relabeled under the supervision of this Department and should not be sold or disposed of contrary to the provisions of the Food and Drugs Act or the laws of the State of Colorado.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20096. Adulteration of dried figs. U.S. v. 70 Cases of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28636. Sample No. 1680-A.)

This action involved the interstate shipment of a quantity of dried figs, samples of which were found to be moldy, smutty, decomposed, and insect-infested.

On August 10, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 cases of dried figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about July 15, 1932, by Vagim Packing Co., from Oakland, Calif., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choice Black Mission Figs Vagim Packing Co. Fresno, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20097. Misbranding of canned peach butter. U.S. v. 100 Cases of Canned Peach Butter. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 28640. Sample No. 1668-A.)

This action involved the interstate shipment of a quantity of canned peach butter, sample cans of which were found to contain less than the declared weight.

On August 11, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of canned peach butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 14, 1932, by the Pacific Cannery Sales Co., from San Francisco, Calif., to Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Golden Elk Brand Peach Butter * * * Net Contents 7 Lbs. 10 Oz. Pacific Coast Cannery, Inc., Oakland, Calif."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, "Net Contents 7 Lbs. 10 Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On August 29, 1932, the Lewis Sales Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this Department and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20098. Adulteration of butter. U.S. v. 81 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28622. Sample No. 9437-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 29, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 81 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about July 24, 1932, alleging that the article had been shipped in interstate commerce by the Mandan Creamery & Produce Co., from Mandan, N.Dak., to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

On September 12, 1932, the Mandan Creamery & Produce Co., Mandan, N.Dak., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant, to be reworked under the supervision of this Department so that it contain at least 80 percent of butterfat, upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it should not be sold or disposed of contrary to the provisions of the the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20099. Adulteration and misbranding of butter. U.S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28583. Sample No. 11984-A.)

This case involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 22, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original packages at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about July 20, 1932, by the Hopkinton Creamery Co., from Hopkinton, Iowa, to Brooklyn, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive and specific name of "butter", whereas it was not butter, since it contained less than 80 percent by weight of butterfat.

The Great Atlantic & Pacific Tea Co. interposed a claim for the property as agent for the Hopkinton Creamery Co., Hopkinton, Iowa, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On August 2, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20100. Adulteration of coriander seed. U.S. v. 25 Bags of Coriander Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28591. Sample No. 10089-A.)

This action involved an import shipment of coriander seed. Examination of the article showed the presence of rodent excreta.

On August 5, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 bags of coriander seed at New York, N.Y.,

alleging that the article had been shipped on or about January 20, 1932, by Charles Thomhill & Co., Ltd., from London, England, to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20101. Adulteration and misbranding of butter. U.S. v. 4 Cases of Butter. Default decree of condemnation and forfeiture. Product delivered to welfare association. (F. & D. No. 28614. Sample No. 1563-A.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On July 27, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four cases each containing 60 pounds of butter, remaining in the original unbroken packages at Longview, Wash., alleging that the article had been shipped in interstate commerce, on or about July 25, 1932, by the Mount Angel Cooperative Creamery, from Portland, Oreg., to Longview, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Delicious Meadow-Dew Butter Oregon Creamery Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading in that it contained less than 80 percent of milk fat.

On September 8, 1932, no claim having been interposed, and the Mount Angel Cooperative Creamery having requested that the product be disposed of for charitable purposes, default judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the local welfare association.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20102. Adulteration of canned frozen eggs. U.S. v. 363 Cans of Frozen Eggs. Consent by claimant to decree of condemnation and forfeiture. Product ordered released under bond for separation and destruction of unfit portion. (F. & D. No. 28609. Sample No. 7190-A.)

This action involved the shipment of a quantity of frozen eggs that were found to be in part decomposed.

On August 9, 1932, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 363 cans of frozen eggs at Montgomery, Ala., consigned by the Mid-West Ice & Cold Storage Co., alleging that the article had been shipped in interstate commerce, on or about December 3, 1931, from Kansas City, Mo., to Montgomery, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fleischmann's Spring Laid Whole Eggs Frozen."

It was alleged in the libel that the article was adulterated in that examination showed the presence of decomposition.

On August 15, 1932, Standard Brands, Inc., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be delivered to the claimant upon the execution of a good and sufficient bond, conditioned that the good portion be separated from the bad portion, that the former be released, and the unfit portion destroyed. It was further ordered that claimant pay all costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20103. Adulteration of currants. U.S. v. 7 Cases of Currants. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28575. Sample No. 5205-A.)

This action involved the shipment of a quantity of currants, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On July 16, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven cases of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 12, 1932, by S. H. Bransky, from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered the article injurious to health.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20104. Adulteration of butter. U.S. v. 6 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28698. Sample No. 12005-A.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On August 1, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six boxes of butter at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, on or about July 29, 1932, by the Augusta Dairy Products Co., Augusta, Wis., through the Russell Corners Creamery Co., from Augusta, Wis., to Jersey City, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

The Great Atlantic & Pacific Tea Co. interposed a claim for the property as agent for the Augusta Dairy Products Co., admitted the allegations of the libel, and consented to the entry of a decree. On August 16, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20105. Misbranding and alleged adulteration of tomato paste. U.S. v. 287 Cases, et al., of Tomato Paste. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 28492-28496, incl., 28558, 28559, 28560. Sample Nos. 7057-A, 7058-A.)

This action involved shipments of two lots of a tomato product sold as tomato paste, which was not sufficiently concentrated to be called tomato paste. Sample cans taken from one of the shipments were found to contain less than the declared weight.

On July 21 and August 1, 1932, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 356 cases of tomato paste, remaining in the original packages at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about July 5 and July 7, 1932, by A. Glorioso, from New Orleans, La., to Mobile, Ala., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Eagle Brand Tomato Paste * * * Packed by A. Glorioso, New Orleans, La."

It was alleged in the libels that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Tomato Paste," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, since the packages were marked with a weight different from and less than the actual and true weight of the contents.

On September 8, 1932, A. Glorioso, New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libels, judgments were entered finding the product misbranded and ordering its condemnation. It was further ordered by the court that the product might be released to the said claimant upon payment of costs and the execution of bonds totaling \$750, conditioned that it be relabeled or reconditioned under the supervision of this Department in compliance with the requirements of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20106. Misbranding of wheat shorts and screenings. U.S. v. The Blair Milling Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 28061. I.S. Nos. 25006, 25007.)

This action was based on the shipment of quantities of feed, samples of which were found to contain less protein and more fiber than declared on the label.

On May 9, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Blair Milling Co., a corporation, Atchison, Kans., alleging shipment by said company, on or about June 10 and June 15, 1931, from the State of Kansas into the State of Missouri of two consignments of wheat shorts and screenings that were misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Soft Wheat Gray Shorts and Screenings Manufactured by The Blair Milling Co., Atchison Kansas Guaranteed Analysis Protein, not less than 16.00 per cent * * * Fibre, not more than 5.50 per cent."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis Protein, not less than 16.00 per cent * * * Fibre, not more than 5.50 per cent," borne on the tag attached to the bag containing the article, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 16 percent of protein and more than 5.5 percent of fiber.

On August 10, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20107. Adulteration of mustard seed. U.S. v. 82 Bags of Mustard Seed. Consent decree of condemnation. Product released under bond. (F. & D. No. 28563. Sample No. 8890-A.)

This case involved a quantity of imported mustard seed that was found to be contaminated with rodent excreta.

On August 1, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 82 bags of mustard seed, remaining in the original unbroken packages at Rochester, N.Y., alleging that the article had been shipped on or about April 7, 1931, by the Bremen Colonial & China Trading Co., from Tientsin, China, to New York, N.Y., thence into the Western District of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 26, 1932, the R. T. French Co., Philadelphia, Pa., having appeared as claimant for the property and having consented to the entry of a

decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that it be cleaned and should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws, nor until inspected by a representative of this Department. It was further ordered that any portion of the said product not approved by this Department be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20108. Adulteration of dried cherries. U.S. v. 12 Boxes of Dried Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28430. Sample No. 608-A.)

This action involved the shipment of a quantity of dried cherries, samples of which were found to be in part insect-infested, moldy, dirty, and decomposed.

On June 27, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 boxes of dried cherries, remaining in the original packages at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about June 1, 1932, by J. Fusco, from San Francisco, Calif., to Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Dried Cherries."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On July 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20109. Misbranding of cooking and table oil. U.S. v. 46 Cans, et al., of Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28522, 28633. Sample Nos. 14377-A, 14387-A.)

These cases involved the shipment of quantities of cooking and table oil, sample cans of which were found to contain less than 1 gallon, the declared volume.

On or about July 26 and August 9, 1932, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 65 cans of oil, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce, in part on or about November 17, 1931, and in part on or about April 23, 1932, by the Italian Food Products Corporation of America, from Trenton, N.J., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Double Star Brand High Grade Cooking and Table Oil. * * * Net Contents One Gallon * * * Packed by F. Rizzo di Cavalcante, Trenton, N.J."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Net Contents One Gallon," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On August 15, 1932, a claim having been interposed for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be shipped to the Italian Food Products Corporation of America, Trenton, N.J., for filling the cans to the declared quantity of contents, under the supervision of this Department, upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be sold or disposed of in violation of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20110. Adulteration of canned prunes. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$50. (F. & D. No. 27525. I. S. Nos. 15618, 16467, 16469, 24930, 27893, 27976, 28056, 28057, 28058, 28059.)

This case was based on several shipments of canned prunes, samples of which were found to be moldy and rotten.

On September 22, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Paulus Bros. Packing Co., a corporation, Salem, Oreg., charging violation of the Food and Drugs Act. It was alleged in the information that the defendant company had shipped, between the dates of October 11, 1930 and January 24, 1931, from the State of Oregon into the States of Minnesota, Tennessee, and Pennsylvania, respectively, quantities of canned prunes that were adulterated. The product was labeled in part, variously: (Cans) "Brookland Fruits PBP Co. Fresh Oregon Prunes * * * Paulus Bros. Packing Co. Salem, Oreg.;" "Red Tag Choice Fresh Oregon Prunes * * * Paulus Bros. Packing Co. Salem, Oreg.;" "Black Label Brand Fresh Prunes * * * The Hooven Mercantile Co. Distributors New York.;" "Arks Run * * * Packed Exclusively for United Wholesale Grocery Co. Inc., Philadelphia, Pa."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On September 22, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20111. Adulteration of canned tomato puree. U. S. v. 162 Cases of Canned Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28634. Sample No. 8458-A.)

This action involved the interstate shipment of a quantity of canned tomato puree, samples of which were found to contain excessive mold.

On August 9, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 162 cases of canned tomato puree, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about April 27, 1932, by the Haxton Canning Co., from Oakfield, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Melrose Brand Distributors Githens, Rexsamer & Company."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On August 31, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20112. Adulteration of canned tomato puree. U. S. v. 300 Cases of Tomato Puree. Bond executed by claimant. Portion of product ordered condemned, forfeited, and destroyed; remainder released. (F. & D. No. 27727. I. S. Nos. 22477, 22478. S. No. 5773.)

This action involved the interstate shipment of a quantity of canned tomato puree, samples of which were found to contain excessive mold.

On February 8, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 cases of canned tomato puree, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 19, 1931, by Pleasant Grove Canning Co., from Pleasant Grove, Utah, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The can labels bore, among others, the statements: "Fresh Ripe Brand Tomato Puree Packed by Pleasant Grove Canning Co. Pleasant Grove—Orem Utah", and various code numbers.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 6, 1932, the Pleasant Grove Canning Co., having filed stipulation and answer admitting the allegations of the libel in so far as they concerned the portion of the product bearing code mark "450", judgment was entered condemning and forfeiting the said portion. It was ordered by the court that the product be released to claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that the condemned portion be destroyed under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20113. Adulteration of canned mixed vegetables. U.S. v. 12 Cases, et al., of Canned Mixed Vegetables. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28452, 28516, and 28572. Sample Nos. 8284-A, 8364-A, 8384-A.)

These cases involved shipment of quantities of canned mixed vegetables, samples of which were found to be partially decomposed.

On July 9, July 27, and August 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 30 cases and 188 cans of canned mixed vegetables, remaining in the original unbroken packages in part at Reading, Pa., and in part at Pottstown, Pa., alleging that the article had been shipped in various lots on or about February 15, March 16, May 30, and June 4, 1932, by Phillips Packing Co., Inc., Cambridge, Md., and had been transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Castle Haven * * * Mixed Vegetables * * * Packed by Phillips Packing Co. Inc., Cambridge, Md."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On August 9 and August 31, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20114. Misbranding of cooking and table oil. U.S. v. 22 Cases, et al., of Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28601. Sample Nos. 14384-A, 14385-A.)

This case involved the shipment of quantities of cooking and table oil, sample cans of which were found to contain less than 1 gallon, the declared volume.

On August 6, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 cases of oil, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce, in part on or about June 1, 1931, and in part on or about August 10, 1931, by F. Rizzo di Cavalcante, from Trenton, N.J., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Double Star Brand High Grade Cooking and Table Oil * * * Net Contents One Gallon * * * Packed by F. Rizzo di Cavalcante, Trenton, N.J."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents One Gallon," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On August 15, 1932, a claim having been interposed for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be shipped to the Italian Food Products Corp. of America, Trenton, N.J., for filling the cans to the declared quantity of contents under the supervision of this Department, upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be sold or disposed of in violation of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20115. Adulteration and misbranding of canned frozen eggs. U.S. v. 416 Cans of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28521. Sample No. 7718-A.)

This action involved the shipment of a quantity of canned frozen eggs, samples of which were found to be decomposed. Examination further showed that the article contained undeclared added sugar.

On or about August 1, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 416 cans of frozen eggs, remaining in the original and unbroken packages at West Palm Beach, Fla., alleging that the article had been shipped in interstate commerce on or about October 12, 1931, by the Sunbeam Egg Co., from Roanoke, Va., to West Palm Beach, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Frozen Whole Eggs * * * Distributed by the Sunbeam Egg Company, General Offices, Cleveland, Ohio."

It was alleged in the libel that the article was adulterated in that frozen eggs containing added sugar had been substituted for the article. Adulteration was alleged for the further reason that the product consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20116. Adulteration of cherries. U.S. v. 43 Baskets of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28555. Sample No. 8440-A.)

Arsenic in an amount which might have rendered the article injurious to health was found on cherries taken from the shipment involved in this case.

On July 19, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 baskets of cherries, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Geo. Cratsley, Hector, N.Y., alleging that the article had been shipped in interstate commerce on or about July 18, 1932, from Hector, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On August 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20117. Adulteration of butter. U.S. v. 10 Cases, et al., of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28687. Sample Nos. 663-A, 664-A, 665-A.)

This case involved a quantity of butter, samples of which were found to be rancid and spoiled.

On July 8, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court for the district aforesaid a libel praying seizure and condemnation of 50 cases of butter, remaining in the original unbroken packages at San Jose, Calif., alleging that the article had been shipped in interstate commerce, on or about July 4, 1932, by Snider Dairy & Produce Co., from Medford, Oreg., to San Jose, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Snider Dairy & Produce Co. * * * Medford, Ore."

It was alleged in the libel that the article was adulterated in that it consisted in part of a putrid and decomposed substance.

On August 3, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20118. Misbranding of dried apples. U.S. v. 388 Cases of Dried Apples. Product released under bond. (F. & D. Nos. 28382, 28446. Sample Nos. 166-A, 7133-A, 7134-A.)

This action was based on the shipment of quantities of dried apples, samples of which were found to contain excessive moisture.

On or about July 23, 1932, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 388 cases of dried apples, remaining in the original cases at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about May 21, 1932, by the California Prune & Apricot Growers Association, from San Jose, Calif., to Houston, Tex., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Choice California Dried Apples * * * Prepared with sulphur Dioxide."

It was alleged in substance in the libel that the article was misbranded in that the statement "Dried Apples" was false and misleading, since the article contained excessive moisture and was not sufficiently evaporated to be sold as dried apples.

This Department in its report to the United States attorney recommended that the libel be drawn to charge that the product was adulterated in that a substance, insufficiently evaporated apples, had been substituted for evaporated apples, which the article purported to be.

On August 31, 1932, the case having come on for hearing on the petition of claimant, the California Prune & Apricot Growers Association, San Jose, Calif., and the court having found that the material allegations of the libel were true and that there were in fact 546 cases of the product, judgment was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a good and sufficient bond, to the effect that the article should not be sold or disposed of contrary to the provisions of the law, both State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20119 Adulteration of marshmallow marble candy. U.S. v. 32 Boxes of National Marshmallow Marble Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28383. Sample No. 18855-A.)

This action was based on the shipment of a quantity of marshmallow candy, in each piece of which was concealed a hard marble.

On June 18, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 boxes of marshmallow candy at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about February 24, 1932, by the National Candy Co., Inc., from St. Louis, Mo., to Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "National * * * Marshmallow Marble Candy, National Candy Company, Inc., Consolidated Factories, St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that each piece of candy contained an added deleterious ingredient, a hard marble, which might have rendered the said article injurious to health.

On September 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20120. Adulteration of marshmallow marble candy. U.S. v. 8 Boxes of Brock's Marshmallow Marbles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28384. Sample No. 18856-A.)

This action was based on the shipment of a quantity of marshmallow candy in each piece of which was concealed a hard marble.

On June 18, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight boxes of marshmallow marble candy at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about February 9, 1931, by Brock Candy Co., from Chattanooga, Tenn., to Dallas,

Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Brock's Marshmallow Marbles. A real marble with every piece. Brock Candy Company, Chattanooga, Tennessee."

It was alleged in the libel that the article was adulterated in that each piece of candy contained an added deleterious ingredient, a hard marble, which might have rendered the said article injurious to health.

On September 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20121. Adulteration and misbranding of rice. U.S. v. 50 Sacks of Rice. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 27759. I.S. No. 32491. S. No. 5843.)

This action involved a quantity of rice which was found to be of lower grade than Extra Fancy, the grade declared on the label.

On February 20, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 sacks of rice, remaining in the original unbroken sacks at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 11, 1932, by the Pacific Trading Co., from San Francisco, Calif., to Portland, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy Japan Rice Grown in California."

It was alleged in the libel that the article was adulterated in that rice of a different and lower grade than Extra Fancy had been substituted in whole or in part for rice of Extra Fancy grade, which the article purported to be.

Misbranding was alleged for the reason that the statement "Extra Fancy" was false and misleading and deceived and misled the purchaser, since it represented that said article was rice of Extra Fancy grade, whereas it was of a different and lower grade.

On August 23, 1932, the Pacific Trading Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it be relabeled, and that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20122. Misbranding of butter. U.S. v. 9 Cases of Butter. Default decree of forfeiture and destruction. (F. & D. No. 28001. I.S. No. 43519. S. No. 6020.)

This case involved the shipment of a quantity of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On March 30, 1932, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine cases of butter, which had been shipped from Marion, Ind., about March 18, 1932, consigned to Concord, N.H., and sampled en route. It was alleged in the libel that the article had been shipped by Swift & Co., Marion, Ind., that it remained in the original unbroken packages at White River Junction, Vt., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cresta Creamery Butter. Distributed by Swift & Company * * * Chicago, * * * 1 Lb. Net Weight."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 1, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20123. Adulteration of canned blackberries. U.S. v. 99 Cases of Canned Blackberries. Default decree of destruction entered. (F. & D. No. 27747. I.S. No. 47649. S. No. 5836.)

This action involved the shipment of a quantity of canned blackberries, samples of which were found to be decomposed.

On February 13, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 99 cases of canned blackberries, remaining in the original packages at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 1, 1931, by Puyallup & Sumner Fruit Growers Association, Puyallup, Wash., from Tacoma, Wash., to Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Fruitfull Cultivated Evergreen Blackberries, Packed by Puyallup & Sumner Fruit Growers Ass'n., Puyallup, Wn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On August 20, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20124. Adulteration of canned salmon. U.S. v. 900 Cases of Canned Salmon. Decree of condemnation entered. Product released under bond to be segregated, and unfit portion destroyed. (F. & D. No. 28371. Sample No. 1048-A.)

This action involved the shipment of a quantity of canned salmon, a part of which was found to be decomposed.

On June 2, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 900 cases of canned salmon, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 29, 1932, by G. P. Halferty, from Seattle, Wash., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Quail Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

The Pioneer Packing Co., Seattle, Wash., appeared as claimant and admitted the allegations of the libel, but alleged that certain portions only were in violation of the law and that such unfit portions could be identified and segregated from the sound and edible portions. On July 6, 1932, judgment was entered condemning the product as adulterated. The claimant having filed a release bond conditioned according to law, the court ordered that the said product be released for the purpose of segregating for destruction the unfit portion. On August 26, 1932, 314 cases of the product having been segregated and destroyed, final decree was entered ordering that the release of the portion found fit for general distribution be made permanent and the bond exonerated.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20125. Adulteration of dried grapes. U.S. v. 25 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28448. Sample No. 626-A.)

This action involved the interstate shipment of a quantity of dried grapes, samples of which were found to be dirty and moldy.

On July 2, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases of dried grapes, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about June 17, 1932, by Rosenberg Bros. & Co., from San Francisco, Calif., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Dried Zinfandel Grapes."

It was alleged in the libel that the article was adulterated in that it consisted in part of filthy or decomposed vegetable substance.

On September 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20126. Misbranding of canned cherries. U.S. v. 39 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond. (F. & D. No. 27967. I.S. No. 32557. S. No. 6017.)

This action involved the shipment of a quantity of canned cherries that fell below the standard promulgated by the Secretary of Agriculture for such canned food, and that were not labeled as substandard. In a portion of the article the labels on the cans bore no declaration of the quantity of the contents.

On March 30, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 39 cases of canned cherries, remaining in the original unbroken packages at Goodland, Kans., alleging that the article had been shipped in interstate commerce on or about February 22, 1932, by the Kuner Pickle Co., from Brighton, Colo., to Goodland, Kans., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Kuner's Red Pitted Cherries * * * Kuner Pickle Co. * * * Brighton, Colo." A portion of the cans bore the statement "Contents 1 lb.," the remainder bore no statement of the quantity of the contents.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the liquid portion read less than 16 degrees Brix and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged for the further reason that the article was food in package form and some of the cans failed to bear a plain and conspicuous statement of the quantity of the contents.

On August 23, 1932, the Kuner Pickle Co., Brighton, Colo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$300, conditioned that it be relabeled, that it should not be disposed of in violation of the Federal Food and Drugs Act, and that claimant pay costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20127. Adulteration of canned shrimp. U.S. v. 400 Cases of Canned Shrimp. Default decree of destruction entered. (F. & D. No. 28275. I.S. No. 54356. S. No. 6125. Sample No. 10238-A.)

This action involved the shipment of a quantity of canned shrimp that was found to be in part decomposed.

On May 7, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cases of canned shrimp, remaining in the original unbroken packages at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about January 27, 1932, by the United Rice Milling Products Co., Inc., from New Orleans, La., to Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Starbrite Brand Fancy Shrimp Packed by United Packing Co., New Orleans, La."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On September 17, 1932, permission having been granted the United Rice Milling Products Co., Inc., New Orleans, La., to withdraw its claim of ownership and stipulation for costs filed June 6, 1932, default was noted and judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20128. Adulteration and misbranding of dried grapes. U.S. v. 100 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28322. Sample No. 218-A.)

This action involved the shipment of a quantity of dried grapes, samples of which were found to be in part insect-infested and dirty. The label on the package bore no statement of the quantity of contents.

On May 12, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of dried grapes, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 7, 1932, by Luigi Severini, from San Francisco, Calif., to Portland, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Zinfandel Packed for Vito Vitti, Portland, Ore."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20129. Misbranding of butter. U.S. v. Seven 50-Pound Cases of Print Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28436. Sample No. 7444-A.)

This action involved the shipment of a quantity of butter in packages labeled as containing 1 pound net. Sample packages taken from the shipment were found to contain less than 1 pound.

On or about June 15, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven 50-pound cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 8, 1932, by H. P. Nielsen, from Waterloo, Wis., to New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Prints) "One Pound Net Nielsen's Pure Pasteurized Creamery Butter Waterloo Creamery, Waterloo, Wis."

It was alleged in the libel that the article was misbranded in that the statement "One Pound Net" was false and misleading and deceived and misled the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On July 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20130. Adulteration and misbranding of canned shrimp. U.S. v. Pelican Lake Oyster & Packing Co., Ltd. Pleas of guilty. Fine, \$50. (F. & D. Nos. 26634, 26649. I.S. Nos. 11843, 15133, 15134.)

These cases were based on the interstate shipment of a quantity of canned shrimp that was found to be decomposed; and the delivery for shipment to a foreign country of quantities of canned shrimp that was decomposed and short weight.

On October 5 and October 28, 1931, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid informations against the Pelican Lake Oyster & Packing Co., Ltd., a corporation, Houma, La., charging violation of the Food and Drugs Act as amended. It was alleged in the informations that on or about November 27, 1930, the defendant company had shipped from the State of Louisiana into the State of California a quantity of canned shrimp that was adulterated; and that on or about March 14, 1931, the defendant had delivered for shipment from New Orleans to a foreign county, i. e., Venezuela, quantities of canned shrimp that

was adulterated and misbranded. The portion of the article shipped to California was labeled in part: "Pel-La-Co. Fancy Louisiana Shrimp * * * Packed by Pelican Lake Oyster & Packing Co., Ltd. Houma, La." The portion delivered for shipment to Venezuela was labeled in part: "'Creole' Brand Louisiana Shrimp * * * Packed by Pelican Lake Oyster & Packing Co. Ltd., Houma * * * Dry Pack Contents 5 oz."

Adulteration was alleged in the informations for the reason that the article consisted in whole and in part of a filthy, putrid, and decomposed animal substance.

Misbranding was alleged with respect to the Creole brand shrimp for the reason that the statement "Contents 5 oz.," borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than 5 ounces. Misbranding of the said Creole brand shrimp was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On August 18, 1932, pleas of not guilty formerly entered on behalf of the defendant company were withdrawn and pleas of guilty were entered. The court imposed a fine of \$25 in each case, a total of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20131. Adulteration of crab meat. U.S. v. 48 Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28573, 28629, 28658. Sample Nos. 13135-A, 15913-A, 15923-A.)

These actions involved the interstate shipment of quantities of crab meat, samples of which were found to contain filth.

On August 3, August 9, and August 12, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 146 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in various consignments on or about July 29, August 5, and August 10, 1932, by W. C. Larrimore, from St. Michaels, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy animal substance.

On August 31, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20132. Misbranding of canned tomatoes. U.S. v. 283 Cases, et al., of Canned Tomatoes. Decree of condemnation entered. Product released under bond to be relabeled. (F. & D. Nos. 28548, 28792. Sample Nos. 13203-A, 13204-A, 13395-A.)

These actions involved quantities of canned tomatoes that were substandard because they contained excessive peel, were of poor color, and portions did not consist of whole or large pieces; the article was misbranded, since it was not labeled to show that it was substandard. The article was further misbranded, since it was represented to have been packed at Jacksonville, Fla., whereas it was packed at Hazlehurst, Miss.

On July 28 and August 29, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 626 cases of canned tomatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce in various consignments on or about June 23, July 4, and July 15, 1932, by the Hazlehurst Canning Co., Inc., Hazlehurst, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Shaver's Brand Hand Packed Tomatoes * * * Packed by Shaver Brothers, Inc., Jacksonville, Fla."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Packed by Shaver Brothers, Inc., Jacksonville, Fla.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below

the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food because of poor color, the presence of excessive amounts of peel, and the fact that portions were not in whole or large pieces; and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On September 9, 1932, the Hazlehurst Canning Co., Inc., Hazlehurst, Miss., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,650, conditioned that it be relabeled under the supervision of this Department, and further conditioned that it should not be sold or disposed of until inspected and found to be in compliance with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20133. Misbranding of butter. U.S. v. 7 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. No. 28379. Sample No. 13104-A.)

This action involved the shipment of a quantity of butter, sample packages of which were found to contain less than 1 pound, the declared weight.

On or about June 6, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court for the district aforesaid, holding a district court, a libel praying seizure and condemnation of 7 boxes, each containing thirty 1-pound prints of butter, remaining in the original packages at Washington, D.C., alleging that the article had been shipped on or about May 24, 1932, by the Union Produce Co., Whitewater, Wis., and had been transported from the State of Wisconsin into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrappers) "One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement "One Pound Net", borne on the wrapper, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On September 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20134. Adulteration and misbranding of tomato paste. U.S. v. 225 Cases of Tomato Paste. Decree of condemnation entered. Product released under bond. (F. & D. No. 28525. Sample No. 7180-A.)

This action involved a quantity of alleged tomato paste that was not sufficiently concentrated to be called tomato paste. Sample cans of the product were also found to contain less than the declared weight.

On July 27, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 225 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 20, 1932, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Net contents 5 oz. Baby Brand Tomato Paste Color Added * * * Uddo-Taormina Corporation, New Orleans, La."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Net contents 5 oz. * * * Tomato Paste", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 29, 1932, the Uddo-Taormina Corporation, organized under the laws of Delaware, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product might be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be relabeled under the supervision of this Department, and that it should not be sold or disposed of until inspected and found in compliance with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20135. Adulteration and misbranding of butter. U.S. v. 6 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28478. Sample No. 4938-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 21, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 8, 1932, by the Delta Milk Producers Association, from Escanaba, Mich., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Delta Milk Producers Association * * * Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butter fat had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butter fat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20136. Adulteration and misbranding of butter. U.S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28440. Sample No. 11352-A.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 23, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter, remaining in the original packages at Jamaica, N.Y., alleging that the article had been shipped in interstate commerce on or about June 13, 1932, by the H. C. Christians Co., from Chicago, Ill., into the State of New York, and charging adulteration and misbranding in violation of Food and Drugs Act.

It was alleged in the libel that the article was adulterated since it contained less than 80 percent of butter fat.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of butter, whereas it was not butter, since it contained less than 80 percent of butterfat and did not meet the requirements of the law.

H. C. Christians & Co., Chicago, Ill., interposed a claim for the property, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contained at least 80 percent of butter fat. On June 30, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20137. Adulteration of celery seed. U.S. v. 8 Bags of Celery Seed. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 28500. Sample No. 8478-A.)

This action involved the interstate shipment of a quantity of celery seed, samples of which were found to contain rodent excreta.

On July 22, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight packages of celery seed, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 7, 1932, by Rene Moellhausen, from New York, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 26, 1932, L. H. Parke & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20138. Adulteration of butter. U.S. v. 26 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28699. Sample No. 12006-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 2, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce by the Earl Creamery, Earl, Wis., through Northwest Dairy Forwarding Co. Duluth, Minn., on or about July 23, 1932, to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

William G. Hollrock, New York, N.Y., interposed a claim admitting the allegations of the libel and consenting to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent by weight of butterfat. On August 15, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20139. Misbranding and alleged adulteration of butter. U.S. v. Centralia Dairy Co. Demurrer to information filed. Demurrer overruled. Plea of guilty to count 2 of information. Remaining counts nolle prossed. Fine, \$100 and costs. (F. & D. No. 27473. I.S. Nos. 22159, 22160, 22161, 22162, 22193, 22194, 22252, 22253, 22254, 22277 to 22283, incl.)

This case was based on the shipment of 16 lots of butter in packages labeled as containing 1 pound net weight. Sample packages taken from each of the shipments were found to contain less than 1 pound. Samples from 10 of the shipments were also found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 22, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information

against the Centralia Dairy Co., a corporation, Centralia, Wash., charging violation of the Food and Drugs Act as amended. It was alleged in the information that the defendant company had shipped, between the dates of May 7, 1931 and June 4, 1931, from the State of Washington into the Territory of Alaska, 16 separate consignments of butter; that the article was misbranded and that the product in 10 of the 16 shipments was also adulterated. Portions of the article were labeled in part: (Package) "Sunset Gold Creamery Butter * * * One Pound Net * * * Special Sales Agents Piggly Wiggly Stores." The remainder of the article was labeled in part: (Package) "One Pound Net Weight Medo-Maid Butter is made and guaranteed by Centralia Dairy Co., Centralia, Wash."; (wrapper) "Net Weight Four Ounces."

Misbranding of the consignment of Sunset Gold butter shipped May 7, 1931, was alleged in count 2 of the information for the reason that the statements, "Butter" and "One Pound Net", borne on the packages, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, and that each of the packages contained 1 pound net of the article; whereas it contained less than 80 percent by weight of milk fat and the packages contained less than 1 pound net.

The information charged in count 1 that the shipment of Sunset Gold butter on May 7, 1931, also was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be; and, in count 3, misbranding of the said lot in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. It also charged that all the remaining consignments were misbranded because of alleged shortages in weight, and that portions also were adulterated and misbranded because of alleged deficiency in milk fat.

On April 9, 1932, the defendant filed a demurrer to the information which came up for argument on June 13, 1932. Decision was handed down by the court on July 18, 1932, in the following memorandum opinion overruling defendant's demurrer (Cushman, D. J.):

"The information is for violation of the Food and Drugs Act, more particularly Sections 2, 6, 8, 9, and 10, Title 21, U.S.C.A.

"One set of counts in the information accuse the defendant of unlawfully shipping and delivering for shipment from the City of Centralia, in the State of Washington, to cities in the Territory of Alaska, an article of food, adulterated within the meaning of the act of Congress, in that a product which contained less than 80 per centum by weight of milk fat had been substituted for butter.

"Title 21, U.S.C.A., Sec. 8, provides: 'Sec. 8. Adulterated articles * * * An article shall be deemed to be adulterated; * * * In the case of food: * * * If any substance has been substituted wholly or in part for the article.'

"Sec. 6 of the Food and Drugs Act, as amended by the act of March 4, 1923 (42 Stat. 1500—Title 21, U.S.C.A., Sec. 6) provides: 'Sec. 6. Same: "butter." For the purposes of sections 1 to 15, inclusive, of this title, "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 per centum by weight of milk fat, all tolerances having been allowed for.'

"The demurrer to this set of counts will be overruled.

"In another set of counts the defendant is accused of misbranding such shipments, it being alleged that the packages were misbranded in that the statements 'butter' and 'one pound net' were false and misleading in that they represented the article was butter, to wit, a product which should contain not less than 80 per centum by weight of milk fat and that each of said packages contained 1 pound net of the article whereas in truth and in fact said article did not contain 80 per centum by weight of milk fat but did contain a less amount and each of said packages did not contain 1 pound net of the article but did contain a less amount and that said article was further misbranded in that it was labeled as aforesaid so as to mislead and deceive the purchaser into the belief that it was butter, to wit, a product which should contain not less than 80 per centum by weight of milk fat and that each of said packages contained 1 pound net of the article. These counts are, in part

at least, under that part of paragraph 8 of the act of June 30, 1906 (34 Stat. 771 as amended by 37 Stat. 732) now appearing as Title 21, U.S.C.A., Sec. 9.

"This section, in part, provides: 'Sec. 9. Misbranded: meaning and application. The term "misbranded", as used in sections 1 to 15, inclusive, of this title, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country, in which it is manufactured or produced.'

"As these counts clearly allege that the statement that the packages contained 'butter', as the same is defined by section 6, was false and misleading in the particular therein pointed out, the demurrer to these counts will be overruled and it is not necessary to consider whether these counts are also under that part of section 8 of the original act as amended now appearing as Title 21, U.S.C.A., section 10, third paragraph.

"In a third set of counts shipments and deliveries for shipment such as described in the first considered counts are alleged. In these last mentioned counts the marking, in part, is alleged to have been 'one pound net' and that it was food in package form and that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

"These counts are under section 10, Title 21, U.S.C.A., and more particularly the third paragraph thereof. This section, in so far as applicable, provides: 'Misbranded articles. For the purposes of sections 1 to 15, inclusive, of this title, an article shall be deemed to be misbranded; * * * Foods. In the case of food: * * * Packages Not Marked With Weight; Variations and Exemptions Permitted.—Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count. Reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this title. The word "package" as used in this paragraph shall include and shall be construed to include wrapped meats inclosed in papers or other materials as prepared by the manufacturers thereof for sale.'

"The question presented concerning these counts is as to the validity of the third paragraph of section 10, supra. In *United States vs. Shreveport Grain & Elevator Co.*, 46 Fed. (2d) 354, this part of the act was, under the 8th amendment, held unconstitutional, the court citing, in support of the ruling: *United States vs. L. Cohen Grocery Co.*, 255 U.S. 81, 41 S.Ct. 298, 65 L.Ed. 516, 14 A.L.R. 1045; *Connolly vs. General Const. Co.*, 269 U.S. 385, 46 S.Ct. 126, 70 L.Ed. 322; *Yu Cong Eng vs. Trinidad*, 271 U.S. 500, 46 S.Ct. 619, 70 L.Ed. 1059; *United States vs. Reese et al.*, 92 U.S. 214, 23 L.Ed. 563; *United States vs. Brewer*, 139 U.S. 278, 11 S.Ct. 538, 35 L.Ed. 190; *Todd vs. United States*, 158 U.S. 282, 15 S.Ct. 889, L.Ed. 982.

"In construing a statute the first duty of the court is to ascertain the legislative intent. *Ebert vs. Poston*, 266 U.S. 548.

"If an act of Congress cannot, upon a fair construction, be reconciled with the Constitution it is the duty of the court to give effect to the Constitution rather than to the statute. *Hepburn vs. Griswold*, 8 Wall. 603. Acts of Congress must, however, be regarded as constitutional unless clearly shown to be otherwise. *Hepburn vs. Griswold*, 8 Wall. A court should declare an act of Congress unconstitutional only where the repugnancy is clear and the conflict irreconcilable. *The Mayor vs. Cooper*, 6 Wall. 247. See also *Trade Mark Cases*, 100 U.S. 82, 95-96; *United States vs. Harris*, 106 U.S. 629, 635; *Close vs. Glenwood Cemetery*, 107 U.S. 466, 475. Acts of Congress should be construed so as to avoid grave doubts as to their constitutionality. *Llewellyn vs. Frick*, 268 U.S. 238-251; *Panama R.R. Co. vs. Johnson*, 264 U.S. 375-390; *United States vs. Jin Fuey Moy*, 241 U.S. 394-401; *United States vs. Delaware & Hudson Co.*, 213 U.S. 366, 408; *Baender vs. Barnett*, 255 U.S. 224.

"In *United States vs. Shreveport Grain & Elevator Co.*, supra, the court held the clause of paragraph 3 of section 10, quoted above, unconstitutional because of the following contained therein:

"Reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this title."

"Section 3, to which reference is made, provides: 'Sec. 3. Regulations for carrying out food and drug laws. The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce shall make uniform rules and regulations for carrying out the provisions of sections 1 to 15, inclusive, of this title, including the collection and examination of specimens of food and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended, for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.'

"This reference to section 3 shows that the sentence last quoted from paragraph 3 of section 10 is not part of the definition of the offense but is a direction as to the exercise of administrative power. The court is only concerned with whether the offense is described with such reasonable certainty as to be valid and is not, in a case such as the present, concerned with those parts of the law having to do with its administrative features.

"The demurrer to these counts will likewise be overruled.

"The clerk will notify the attorneys for the parties of the foregoing ruling."

On September 24, 1932, the defendant company entered a plea of guilty to count 2 of the information, and the court imposed a fine of \$100. Nolle prosequi was entered as to the remaining counts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20140. Adulteration of dried figs. U. S. v. 10 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28541. Sample Nos. 645-A, 1450-A.)

This action involved the shipment of a quantity of dried figs, samples of which were found to be insect-infested and filthy.

On July 28, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of dried figs, remaining in the original unbroken packages in possession of the transportation company at Portland, Oreg. The article had been shipped by the Otzen Packing Co., from San Francisco, Calif., to Weiser, Idaho, and reshipped to the said firm by way of Portland, Oreg. It was alleged in the libel that the article had been shipped in interstate commerce on or about July 19, 1932, from Weiser, Idaho, to Portland, Oreg., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Otzen's Ex Choice Black Figs Packed by Otzen Packing Co., San Francisco, California."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On September 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20141. Adulteration of canned tomato puree. U. S. v. 87 Cases, et al., of Canned Tomato Puree. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28508, 28542, 28543. 28544. Sample Nos. 5987-A, 5993-A, 5994-A, 5995-A, 5996-A, 5997-A.)

These actions involved the interstate shipment of quantities of canned tomato puree, samples of which were found to contain excessive mold.

On July 28, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 962 cases of canned tomato puree at Cincinnati, Ohio, consigned by the Haxton Canning Co., Oakfield, N.Y., in part on or about March 10, 1932, from Oakfield, N.Y., and in part on or about June 4, 1932, from Wyoming, N.Y., alleging that the article had been shipped in interstate commerce from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled

in part, variously: (Cans) "Jack Frost Brand Tomato Puree * * * The Colter Co., Distributors, Cincinnati, O."; "Empire State Brand * * * Tomato Puree Packed by Stittville Canning Co. Principal Office Utica N. Y."; "Haxton Brand Fancy Tomato Puree * * * Packed by Haxton Canning Co. Inc. * * * Oakfield, N. Y."; "Dandy Line Brand Tomato Puree"; "Tip Toe Brand Fancy Tomato Puree."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On September 10, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20142. Adulteration and misbranding of cheese. U.S. v. 47 Cheeses, et al. Consent decrees of condemnation. Product released under bond. (F. & D. Nos. 28411, 28449. Sample Nos. 8732-A, 8774-A.)

These actions involved a product sold as whole milk cheese, which was found to contain excessive moisture.

On June 17, 1932 and July 6, 1932, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 74 cheeses, remaining in the original unbroken packages at Alfred Station, N.Y., consigned by Ellisburg Cheese Factory, Ellisburg, Pa., alleging that the article had been shipped in interstate commerce, in part on or about May 30, 1932, and in part on or about June 18, 1932, from Ellisburg, Pa., to Alfred Station, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a substance containing excessive moisture had been substituted for cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, since the dealer's receipts contained the statement, "This cheese is represented by the maker to be whole milk cheese and is purchased as such."

On August 29, 1932, Miller-Richardson Co., Inc., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bonds in the total sum of \$600.22, conditioned that it be reconditioned under the supervision of this Department, and that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20143. Adulteration of tomato puree. U.S. v. 58 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 28395. Sample No. 13105-A.)

This case involved the shipment of a quantity of tomato puree, samples of which were found to contain excessive mold.

On June 22, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a district court, a libel praying seizure and condemnation of 58 cases of tomato puree, remaining in the original unbroken packages at Washington, D.C., alleging that the article had been shipped on or about April 25, 1932, by Frey & Son, from Oakfield, N.Y., and had been transported from the State of New York into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Empire State Brand * * * Tomato Puree Packed by Stittville Canning Co., Principal Office, Utica, N.Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On September 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20144. Adulteration of butter. U.S. v. Perry J. Bradley and Vincent Michalak (Enterprise City Creamery). Plea of guilty. Fine, \$5. (F. & D. No. 28138. I.S. No. 22491.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 9, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Perry J. Bradley and Vincent Michalak, copartners, trading as the Enterprise City Creamery, Enterprise, Oreg., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 16, 1932, from the State of Oregon into the State of Washington, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by the act of March 4, 1923.

On September 9, 1932, a plea of guilty to the information was entered, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20145. Adulteration of canned shrimp. U.S. v. 396 Cases of Canned Shrimp. Portion of product released. Remainder condemned and destroyed. (F. & D. No. 27653. I.S. No. 32020. S. No. 5701.)

This case involved the shipment of a quantity of canned shrimp, samples of which were found to be decomposed.

On January 11, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 396 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 26, 1931, by Dorgan McPhillips Packing Corporation, from Mobile, Ala., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Gulf Kist Brand Fancy Medium Shrimp * * * Packed by Dorgan McPhillips Packing Corp. Mobile, Ala."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On August 3, 1932, the court entered a decree ordering that 242 cases of the product be released to the claimant, the Kelley-Clarke Co., San Francisco, Calif., and that the remaining 154 cases be condemned and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20146. Adulteration and misbranding of butter. U.S. v. 309 Cases of Butter. Product ordered released under bond to be reworked and repacked. (F. & D. No. 28700. Sample No. 13238-A.)

This action involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress. Sample cartons of the article were also found to contain less than 1 pound, the declared weight.

On or about August 1, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 309 cases each containing thirty 1-pound prints of butter, remaining in the original and unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 9, 1932, by the Beatrice Creamery Co., from Oklahoma City, Okla., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Retail carton) "Pasteurized Meadow-Gold Butter Four Prints * * * Contents 1 Lb. net butter * * * Beatrice Creamery Company * * * Chicago, Ill."

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled, "Contents 1 Lb. net butter", which was false and misleading, since the article contained less than 80 percent of milk fat and the packages contained less than 1 pound net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On September 26, 1932, the Beatrice Creamery Co., Chicago, Ill., having appeared as claimant for the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the filing of an undertaking, conditioned that it be reworked and repacked under the supervision of this Department so as to comply in all respects with the requirements of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20147. Adulteration of shell eggs. U.S. v. 16 Cases of Shell Eggs. Consent decree of destruction entered. (F. & D. No. 28697. Sample No. 10322-A.)

This action involved a quantity of shell eggs that were found to be in whole or in part decomposed.

On July 18, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 cases of shell eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, on or about May 1, 1931, by E. C. Morse, on order of Eschenbrenner & Co., New York, N.Y., from Mason City, Iowa, to Jersey City, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On August 16, 1932, the owner of the product, Eschenbrenner & Co., New York, N.Y., having expressed a desire to surrender the eggs and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20148. Misbranding of canned corn. U.S. v. 62 Cases of Canned Corn. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28632. Sample No. 2153-A.)

This case involved the interstate shipment of a quantity of canned corn, sample cans of which were found to contain less than 16 ounces, the declared weight.

On August 12, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 cases of canned corn, remaining in the original unbroken packages at Colorado Springs, Colo., consigned by the Iowa Canning Co., Storm Lake, Iowa, alleging that the article had been shipped in interstate commerce, on or about June 11, 1931, from Storm Lake, Iowa, to Colorado Springs, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Jonquil Brand Sweet Corn * * * Contents 16 Oz."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 16 Oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On September 17, 1932, the Brown Bros. Brokerage Co., a Colorado corporation, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and execution of a bond in the sum of \$400, conditioned that it be relabeled under the supervision of this Department and that it should not be sold or otherwise disposed of contrary to the laws of the United States or of the State of Colorado.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20149. **George S. Knapp, et al. (Paterson, Boardman & Knapp) v. Joseph Callaway, Jr., et al.** Suit to enjoin officials of the Department of Agriculture from using the so-called "acid test" in determining quality of dried egg yolk, in administering the Food and Drugs Act, and to enjoin Customs officials from detaining imported dried egg yolk because of alleged adulteration. Motion by Government to dismiss bill, overruled. Motion for preliminary injunction denied. Order discontinuing suit entered.

On April 17, 1931, George S. Knapp, George W. Knapp, and Charles Walden, copartners trading as Paterson, Boardman & Knapp, filed a bill of complaint against Arthur M. Hyde, Secretary of Agriculture, Andrew W. Mellon, Secretary of the Treasury; Walter G. Campbell, Director of Regulatory Work of the Department of Agriculture; Joseph Callaway, Jr., Chief of the New York Station of the Food and Drug Administration of the Department of Agriculture; Guy C. Swan, acting chief of said station; and Philip Elting, Collector of Customs of the Port of New York. The bill recited that the plaintiffs were the owners of 56 cases of dried eggs imported from China and held in bonded warehouses in New York; that the defendant Elting refused to release and admit the said eggs on the grounds that they did not comply with the Food and Drugs act; that the Department of Agriculture had adopted and established a test known as the "acid test" for determining the quality of dried egg yolk; that as a result of applying the said test to the dried egg yolk in question the Department of Agriculture had pronounced the product to be adulterated. The bill alleged that the said test was not a fair and true test; that it was arbitrary and capricious; that the dried egg yolk complied with the law and was not adulterated or decomposed, but was of good quality; that because of the test adopted the plaintiffs would be irreparably injured in their business of importing dried egg yolk; and that plaintiffs had no adequate remedy in law.

The bill of complaint further prayed that the defendants be enjoined from using the said test in determining the quality of dried egg yolk, pending the determination of the suit and permanently enjoined from using said test as basing the standard of dried egg yolk on the acidity thereof; and that defendant Philip Elting be enjoined from further detaining the said dried egg yolk and be directed to release the product.

A motion on behalf of the Government to dismiss the bill came on for hearing on May 5, 1931. In advance of argument on the motion the plaintiffs consented to an order discontinuing the action against Arthur M. Hyde, Andrew W. Mellon, and Walter G. Campbell. On May 27, 1931, the court overruled the Government's motion to dismiss the bill in the following opinion, holding that Joseph Callaway, Jr., Guy C. Swan, and Philip Elting were properly made defendants and that the complaint stated a cause of action (Woolsey, J.):

"This motion is denied.

"1. The Secretary of the Treasury and the Secretary of Agriculture have not been served or appeared herein.

"The United States Attorney has appeared only for the defendants Callaway and Swan, of the Department of Agriculture, and for the defendant Elting Collector of Customs. They are properly made defendants herein because the defendant Callaway, as Chief of the New York station of the Department of Agriculture, and the defendant Swan, as acting chief thereof, instigated, by their tests and findings, the exclusion of the egg yolk, and the defendant Elting, as Collector of Customs, is holding it under the provisions of Section 11 of the Food and Drugs Act of June 30, 1906, as amended.

"II. In my opinion the bill of complaint states a cause of action.

"It is alleged in the complaint, paragraphs 16 and 17 thereof—and on this motion it necessarily must be deemed admitted—that the egg yolk in question here was when tested, and still is, of good quality, and in fact fit for food under the provisions of the Food and Drugs Act of June 30, 1906, section 7, subdivision 6.

"It is also alleged, paragraphs 11–15 and 18, that the condemnation of the egg yolk was due to the imposition by the Department of Agriculture of a test—a description of which is annexed to the complaint as Exhibit A—which is not a fair or true test of the condition of the egg yolk as food within the meaning of the Food and Drugs Act, section 7, subdivision 6, but on the contrary is an unreasonable test which results in establishing a standard for the admission of egg yolk which transcends the scope of the act under which only the Department of Agriculture has authority to act.

"Whether these statements be true or not, I do not know, but if they are established the case would come within the decision of the Supreme Court in

Waite v. Macy, 246 U.S. 606, 609, and the plaintiff would be entitled to the relief here sought.

"The question of the reasonableness of an executive act of this kind is a question of fact and not a question of law. *North German Lloyd v. Elting*—not yet reported—C.C.A. 2, April 6, 1931, reversing 43 F. (2d) 203.

"It follows that the complaint should not be dismissed but that the defendants must challenge these allegations of fact in the complaint by answer and contest them by evidence.

"Settle order on two days' notice."

On August 10, 1931, the application for a preliminary injunction was denied, the court handing down the following opinion:

In Equity. Suit by George S. Knapp and others, copartners doing business under the firm name and style of Paterson, Boardman & Knapp, against Joseph Callaway, Jr., as Chief of the New York Station of the Department of Agriculture, and others. On motion for preliminary injunction. Motion denied. (Bondy, D. J.):

"This is a suit to enjoin officers of the Department of Agriculture from detaining certain shipments of dried egg yolk belonging to the plaintiffs and from basing the standard of dried egg yolk, for purposes of admissibility into the United States, upon the Department's fatty acid test.

"Section 2 of the Food and Drugs Act (21 U.S.C.A., sec. 2) prohibits the importation of any article of food which is adulterated, and section 7 (21 U.S.C.A., sec. 8) provides that an article shall be deemed to be adulterated in the case of food if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

"Section 3 (21 U.S.C.A., sec. 3) provides that the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce shall make uniform rules and regulations for carrying out these provisions.

"Pursuant to this authority a rule was adopted (Regulation 4b of the Regulations for the Enforcement of the Federal Food and Drugs Act) providing that all foods shall be analyzed by the methods prescribed by the Association of Official Agricultural Chemists, when applicable, provided, however, that any method of analysis or examination satisfactory to the Food and Drug Administration may be employed.

"It is contended by the plaintiffs that the new test which was recently put into effect in place of the organoleptic tests—appearance, taste, texture, solubility, viscosity, and odor—theretofore used by the Department of Agriculture and still used by the trade to determine the merchantable quality and fitness of dried egg yolk for human consumption, is unfair and enforces an unauthorized standard which is arbitrary and capricious, citing *Waite v. Macy*, 246 U.S. 606, 38 S.Ct. 395, 62 L.Ed. 892; *Lynch v. Tilden Produce Co.*, 265 U.S. 315, 44 S.Ct. 488, 68 L.Ed. 1034; *Ambruster v. Mellon*, 59 App.D.C. 341, 41 F. (2d) 430.

"The plaintiffs urge that the decomposition detected by the Department's test is chemical decomposition of the fat into its component parts and not the bacterial decomposition resulting in staleness or rottenness intended by the statute, citing *A. O. Anderson & Co. v. United States* (C.C.A.) 284 F. 542.

"The plaintiffs concede that the test is a fair and scientific test to determine the percentage of fatty acid contained in dried egg yolk.

"They assert that whether or not such yolk consists in whole or in part of a filthy, decomposed, or putrid animal substance, can be adequately determined, as it always has been, by the organoleptic test, and that the test of lipolytic decomposition adopted by the Government does not show whether such egg yolk consists of decomposed animal substance, and that decomposed dried egg yolk often shows a lower percentage of fatty acid than the standard fixed by the Department.

"The test required by the statute is not whether the food is unwholesome or injurious to health. See *United States v. Two Hundred Cases of Adulterated Tomato Catsup* (D.C.) 211 F. 780, 783; *A. O. Anderson & Co. v. United States* (C.C.A.): 284 F. 542.

"That such a test has never been used or heard of before is immaterial. See *United States v. One Hundred Barrels of Vinegar* (D.C.) 188 F. 471, 473, 474. The fact that the trade does not use it is immaterial. See *W. B. Wood Mfg. Co. v. United States* (C.C.A.), 292 F. 133, 134.

"It appears by the Government's affidavits that the fat or ether extract of fresh eggs passes practically unchanged from the liquid egg into the dried egg; that the acidity of a strictly fresh liquid egg has never been found to

be higher than 1.72 c.c. N/20 sodium ethylate per gram and never higher than 1.99 c.c. for any egg of edible commercial quality; that in no case were good shell eggs or frozen eggs ever found the acidity of the ether extract of which exceeded 2.5 c.c. per gram; that the acidity of this ether extract is always low when fresh sound eggs are used and high when decomposed or unsound eggs are used, and that the acidity of dried egg yolk prepared from sound fresh eggs was found to increase so slowly under ordinary conditions of storage that at the end of three years it does not equal 5. c.c., whereas egg products from decomposed eggs exhibit high acidity and a marked tendency for this acidity to increase rapidly; that, accordingly, sound eggs properly stored and shipped would show on arrival in the United States from China an acidity of from 2 to 3 c.c.; and that the acidity of the ether extract of dried egg yolk made from decomposed eggs often exceeds 5 c.c. at the time of drying, and, if not, it increases rapidly and soon exceeds that figure.

"From these scientific facts the Department concludes that when dried egg yolk shows an acidity of 5 c.c. or more on arrival in the United States that indicates that it was made from eggs which would have shown, if tested in the liquid state, the characteristics of such decomposition as amounts to staleness or rottenness clearly within the meaning of the word decomposition as used in the statute, but which cannot be detected by the organoleptic test after drying because the volatile products of decomposition are driven off by drying, or else that such a percentage of acidity shows that the egg yolk was improperly dried or stored and thus became decomposed after drying.

"The acid test seems to be a good test of whether the fatty part of the egg has been attacked by decomposition. Eggs may have a bad odor and show a low acidity, for it is conceded that the test does not detect protein decomposition, but eggs with a bad odor would be excluded as putrid. Thus, eggs may be filthy, decomposed, and putrid, and they may not have a high acidity, but, if they have a high acidity, that shows that the fatty part of the egg has been affected by decomposition. Many tests may be required to show that an egg is good in all respects, but any one of a number may suffice to show that it is bad in a certain respect. Though the affidavits of chemists, dealers, and dieticians used in support of the motion deny that the Government's acid test shows that dried egg yolk is decomposed, or that decomposed liquid eggs were used in making it, it cannot be said, in view of the statements set forth in defendants' affidavits, that the test adopted by the Government is arbitrary or capricious (see *United States v. Bartram Bros.* (C.C.A.) 131 F. 833; *Commercial Solvents Corp. v. Mellon* 51 App.D.C. 146, 277 F. 548), or that the complainant shows reasonable probability of ultimate success. Where the facts are disputed, a preliminary injunction will not issue. *Cumberland T. & T. Co. v. Stevens* (D.C. 274 F. 745; *Wisconsin-Minnesota L. & P. Co. v. Railroad Commission of Wisconsin* (D.C.) 267 F. 711.

"The motion for a preliminary injunction is denied. However, in view of the sharp conflict in the opinion of experts and the desirability of an early determination of the issue, the action will be given a preference, if desired."

On July 28, 1932, the case was discontinued.

R. G. TUGWELL, Acting Secretary of Agriculture.

20150. Adulteration of cherries. U.S. v. 135 Baskets of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28885. Sample No. 8469-A.)

This action involved a shipment of cherries which were found to bear arsenic in an amount which might have rendered the article injurious to health.

On August 11, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 135 baskets of cherries, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 9, 1932, by Albert Sutterlein, from Interlaken, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On August 31, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, Acting Secretary of Agriculture.

INDEX TO NOTICES OF JUDGMENT 20001-20150

	N.J.No.
Apples:	
Prentice Packing & Cold Storage Co.....	20068
dried:	
American Factors, Ltd.....	20019
California Prune & Apricot Growers Assoc.....	20118
Blackberries, canned:	
Puyallup & Sumner Fruit Growers Assoc.....	20123
Blueberries:	
Bailey, W. E.....	20008
Barnard, E. C.....	20016
Burns, E. A.....	20035
Dickey & Tibbetts.....	20017
Gott, E. B.....	20005
Gould, L. E.....	20006
Grindle, E. L.....	20007
Hill, Peter.....	20040
Hurme, John.....	20038
Jala, W. O.....	20013
Ladd, C. C.....	20039
MacPherson, M. E.....	20014
Maplelawn Orchards.....	20004
Pendleton, H. E.....	20037
S. B. & H. Co.....	20015
Starr, Elmer.....	20018
Wainio, John.....	20036
Wallace, Archie.....	20009
Bluefins. See Fish.	
Butter. See Dairy products.	
Candy, marshmallow marble:	
Brock Candy Co.....	20120
National Candy Co., Inc.....	20119
Caraway seed:	
French, R. T., Co.....	20077
Van Sillevoldt, C. M.....	20090
Celery:	
Sanford-Oviedo Truck Growers, Inc.....	20073
seed:	
Moellhausen, Rene.....	20137
Cheese. See Dairy products.	
Cherries:	
Cratsley, George.....	20116
Sutterlein, Albert.....	20150
Wickham, Wm., & Son.....	20028
canned:	
Colorado Packing Plant.....	20045
Kuner Pickle Co.....	20126
Otoe Food Products Co.....	20060
dried:	
Fusco, J.....	20108
Coriander seed:	
Thomhill, Charles, & Co., Ltd.....	20100
Corn, canned:	
Iowa Canning Co.....	20148
Otoe Food Products Co.....	20060
Cottonseed screenings. See Feed.	
Crab meat. See Shellfish.	
Cumin seed:	
French, R. T., Co.....	20077
Currants:	
Baldwin, A. D.....	20094
Bransky, S. H.....	20103
Jochem Bros.....	20087
Northern Fruit Co.....	20092
Wark, W. H.....	20093
Egg yolk, dried:	
Knapp, G. S. ¹	20149
Knapp, G. W. ¹	20149
Paterson, Boardman & Knapp ¹	20149
Walden, Charles ¹	20149

	N.J.No.
Eggs, frozen:	
Mid-West Ice & Cold Storage Co.....	20102
Morning Glory Creameries, Inc.....	20075
Ovson Egg Co.....	20023
Standard Brands, Inc.....	20069
Sunbeam Egg Co.....	20115
shell:	
Eschenbrenner & Co.....	20147
Morse, E. C.....	20147
Morse, E. G., Co.....	20026
Santa Ana Poultry & Egg Co.....	20021
Dairy products:	
butter:	
Ainsworth Farmers Cooperative Creamery Co.....	20062
Armour Creameries.....	20064
Augusta Dairy Products Co.....	20104
B.A.C. Dairy.....	20032
Barron Cooperative Creamery.....	20002
Beatrice Creamery Co.....	20146
Beaver Valley Creamery.....	20067
Bradley, P. J.....	20144
Centralia Dairy Co. ¹	20139
Christians, H. C., Co.....	20136
Cushing Creamery Co.....	20024
Delta Milk Producers Association.....	20135
Earl Creamery.....	20138
Enterprise City Creamery.....	20144
Eschenbrenner & Co.....	20147
Farmers Cooperative Creamery Co.....	20031
Hanson & Ford.....	20001
Harms Creamery Co.....	20057
Hopkinton Creamery Co.....	20099
Hustler Farmers Creamery Co.....	20058
Iowa State Brand Creameries.....	20088
LaFarge Creamery & Cheese Co.....	20056
Lortin Farms, Loring & Martin.....	20034
Mandan Creamery & Product Co.....	20098
Michalak, Vincent.....	20144
Mount Angel Cooperative Creamery.....	20101
Nielsen, H. P.....	20129
North Idaho Cooperative Creamery.....	20025
Pearsall, B. S., Butter Co.....	20033
Pogatchnik, A. J.....	20024
Russell Corners Creamery Co.....	20104
Schulze, Paul A., Co.....	20066
Smith's Creamery.....	20025
Snider Dairy & Produce Co.....	20117
Swift & Co.....	20012, 20070, 20074, 20122
Trout Brook Creamery Co.....	20052
Union Produce Co.....	20133
Valley Creamery, Ltd.....	20011
Watervliet Creamery Co.....	20071
Waueka Creamery Co.....	20061
Yerington Creamery.....	20003
cheese:	
Ellisburg Cheese Factory.....	20142
Fitzgerald & Son.....	20030
Feed:	
Kansas Mill & Elevator Co.....	20044
cottonseed screenings:	
East St. Louis Cotton Oil Co.....	20063
Forrest City Cotton Oil Mill.....	20063

¹ Contains a decision of the court.

	N.J.No.		N.J.No.
Feed—Continued		Prunes, canned:	
shorts, wheat, and screenings:		National Fruit Canning Co.	20046
Blair Milling Co.	20106	Paulus Bros. Packing Co.	20110
Figs:		dried:	
Ghianda, Americo.	20054	Guggenlime & Co.	20010
dried:		Rice:	
Otzen Packing Co.	20140	Pacific Trading Co.	20121
Vagin Packing Co.	20096	Salmon. <i>See</i> Fish.	
Fish:		Sauerkraut, canned:	
bluefins:		Frank Pure Food Co.	20095
Hogstad Fish Co.	20047	juice, canned:	
Johnson, Sam, & Son's Fish-		Frank Pure Food Co.	20095
eries, Inc.	20048	Shellfish:	
salmon, canned:		crab meat:	
Alaska Year Round Can-		Clayton, J. M., Co.	20085
neries.	20089	Coulbourne & Jewett.	20076
Halferty, G. P.	20124	Faulkner, A. N., & Co.	20082
Libby, McNeil & Libby.	20049, 20059	Frey, C. B.	20086
tullibeas:		Haddaway, Alexander.	20083
Atlantic Coast Fisheries.	20091	Harris, A. B.	20084
Fulton Market & Refrigerator		Larrimore, W. C.	20131
Co.	20091	Long, F. P., & Co.	20080
Fruit sirups, fountain:		Tilghman Packing Co.	20022
Fialla & Eppler, Inc.	20050	White & Nelson.	20081
Grapes, dried:		shrimp, canned:	
Rosenberg Bros. & Co.	20125	Dorgan McPhillips Packing	
Severini, Luigi.	20128	Corp.	20145
Mushrooms, canned:		Pelican Lake Oyster & Pack-	
Kennett Canning Co.	20020	ing Co., Ltd.	20130
Mustard seed:		United Rice Milling Products	
A. J. & Co., Inc.	20065	Co., Inc.	20127
Bremen Colonial & China		Shorts and screenings. <i>See</i> Feed.	
Trading Co.	20107	Shrimp. <i>See</i> Shellfish.	
French, R. T., Co.	20077	Sirups, fountain fruit:	
Irwin-Harrison-Whitney, Inc.	20078	Fialla & Eppler, Inc.	20050
Oil, cooking and table:		Tomato catsup:	
Cavalcante, F. Rizzo Di.	20114	Rocky Mountain Packing Cor-	
Italian Food Products Cor-		poration.	20051
poration of America.	20109	paste:	
olive:		Glorioso, A.	20105
Uddo Taormina Corporation.	20072	Uddo-Taormina Corporation.	20134
Peach butter:		puree:	
Pacific Cannors Sales Co.	20097	Frey & Son.	20143
Peaches, canned:		Haxton Canning Co.	20111, 20141
Paragould Canning Co.	20029	Pleasant Grove Canning Co.	20112
Poppy seed:		Varney Canning Co., Inc.	20055
Biddle Purchasing Co.	20043	Tomatoes, canned:	
Levy & Levis, Inc.	20042	Hazlehurst Canning Co., Inc.	20132
Potatoes:		Uddo-Taormina Corporation.	20079
Lafbury, George, Co.	20027	Tullibeas. <i>See</i> Fish.	
Preserves, peach:		Vegetables, canned mixed:	
Harting, G. L.	20053	Phillips Packing Co., Inc.	20113
pineapple:		Vinegar:	
Harting, G. L.	20053	Keller-Lorenz Co.	20041
strawberry:			
Harting, G. L.	20053		

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20151-20175

[Approved by the Acting Secretary of Agriculture, Washington, D.C., June 17, 1933]

20151. Misbranding of Indian New Discovery. U. S. v. 75 Bottles of Indian New Discovery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27823. I. S. No. 51235. S. No. 5912.)

Examination of the drug preparation involved in this action disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On March 13, 1932, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 bottles of Indian New Discovery at Greenville, S.C., alleging that the article had been shipped in interstate commerce on or about February 12, 1932, by the Justice Drug. Co., from Greensboro N.C., to Greenville, S.C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of chloroform, ether, ammonia, volatile oils including camphor, turpentine oil, sassafras oil, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle and carton labels, regarding the curative or therapeutic effects of the article, falsely and fraudulently represented that it contained ingredients or medicinal agents effective in the diseases and conditions named therein: (Bottle label) "For all aches and pains. Rheumatism, Swollen and Stiff joints, Lumbago, * * * Toothache, * * * For Rheumatism—First bathe the painful parts in real warm water; dry off with coarse towel; then apply Liniment freely by pouring it on. Let it soak in, then apply again. Repeat several times during the process of treatment. This process should be applied three times daily until all swelling and soreness is relieved"; (carton) "For Rheumatism * * * Toothache * * * Swollen Joints Colic And other Aches and Pains about the body Directions For Rheumatism.—First bathe the affected parts in real warm water; then dry off and apply the Indian New Discovery freely by pouring it on. Let it soak in and then apply again. Repeat several times during the process of treatment. This process should be applied three times daily until all swelling and soreness is relieved. * * * For Cramp Colic—Take a teaspoonful in water * * * in cases of rheumatism."

On June 6, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20152. Misbranding of Tal-O-Rub. U. S. v. 263 Small Packages, et al. of Tal-O-Rub. Default decree of condemnation and destruction. (F. & D. No. 28869. Sample No. 2738-A.)

Examination of the drug preparation involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 7, 1932, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 263 small packages and 72 large packages of Tal-O-Rub, remaining in the original unbroken packages at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about February 26, 1931, by the McKesson Hall Van Groder Co., from Cleveland, Ohio, to Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of capsicum extract, volatile oils including eucalyptol, menthol, and camphor, and an ointment base composed principally of a petroleum product such as petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the jar and carton labels and in an accompanying circular, were false and fraudulent: (Jar) "Foe of Congestion * * * For * * * Croup, Sore Throat, Cold in Chest, Etc. * * * for Lumbago * * * Rheumatism * * * Cover with warm flannel when using on throat, chest or on joints in rheumatism"; (carton) "Foe of Congestion for * * * sore throat, bronchitis * * * Recommended for * * * Rheumatism"; (circular) "Foe of Congestion * * * Used for * * * Sore Throat, Croup, Cold on the Chest. Etc. * * * in the treatment of coughs, * * * and bronchial affection. * * * in all affections where congestion is present. * * * congested area, breathing is made easier and rest is assured. Especially is this true in chest colds when even the heart is overtaxed to keep up a proper circulation. * * * relieves the congestion and lowers the temperature if fever is present. For Children. General Directions—for using in Coughs, * * * Bronchitis, Croup and Sore Throats— * * * For adults General Directions for all affections of the respiratory tract— * * * Rheumatism * * * Quick Relief follows. * * * Aching Feet * * * Relieves * * * and bunions."

On November 1, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20153. Adulteration and misbranding of fluidextract of squill. U.S. v. Eleven 4-ounce Bottles of Fluidextract Squill. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28963. Sample No. 12290-A.)

This action involved the shipment of a product represented to be fluid extract of squill of pharmacopoeial standard, samples of which were found to possess a potency of less than one half of that required by the United States Pharmacopoeia.

On September 29, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eleven 4-ounce bottles of fluidextract of squill at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 18, 1931, by Sharp & Dohme, from Philadelphia, Pa., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Squill U.S.P.X. * * * Standard: Each CC. represents 1 Gram or each Fluid Ounce Represents 456 Grains of Squill", were false and misleading.

On October 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20154. Adulteration and misbranding of Special Formula No. 8067, Febrilitabs, acetanilid compound tablets, and Tastytabs. U.S. v. William H. Rorer, Inc. Plea of nolo contendere. Fine, \$100. (F. & D. No. 28057. I.S. Nos. 3497, 28015, 28788, 29720.)

This case was based on the shipment of various pharmaceutical preparations which, upon analysis, were found to contain one or more of the essential drugs materially in excess of or below the declared amounts.

On July 8, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William H. Rorer, Inc., Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 28, February 11, and March 10, 1931, from the State of Pennsylvania into the State of New Jersey, and on or about March 13, 1931, from the State of Pennsylvania into the State of Virginia, of quantities of pharmaceutical products that were adulterated and misbranded. The articles were labeled in part, variously: "Special Formula No. 8067 * * * Special Capsules Each Capsule Represents Quinine Sulphate 1 gr. Strychnine Sulphate gr. * * * William H. Rorer, Inc. Pharmaceutical Chemists, Philadelphia Pennsylvania"; "Compressed Tablet Febrilitabs Rorer Each Tablet Represents Acetphenetidin $2\frac{1}{2}$ gr. Acid Acetylsalicylic $2\frac{1}{2}$ gr."; "Rorer's Compressed Tablet Acetanilid Comp Improved Each Tablet Represents * * * Acetanilid $2\frac{1}{2}$ gr."; "Rorer's Tastytabs Children's Migraine Rorer * * * Caffeine 1-10 gr."

It was alleged in the information that the article, labeled "Special Formula No. 8067", was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each capsule was represented to contain 1 grain of quinine sulphate and one-sixtieth grain of strychnine sulphate, that is to say, the equivalent of which in anhydrous alkaloids of quinine and strychnine is not more than 0.756 grain, whereas each of said capsules contained more of the anhydrous alkaloids of quinine and strychnine than represented, namely, not less than 0.912 grain of anhydrous alkaloids of quinine and strychnine. Adulteration of the preparation, labeled "Compressed Tablet Febrilitabs", was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each tablet was represented to contain $2\frac{1}{2}$ grains of acetphenetidin and $2\frac{1}{2}$ grains of acetylsalicylic acid, whereas each tablet contained less than $2\frac{1}{2}$ grains of acetphenetidin, namely, not more than 1.21 grains of acetphenetidin; and more than $2\frac{1}{2}$ grains of acetylsalicylic acid, namely, not less than 3.929 grains of acetylsalicylic acid. Adulteration of the preparation, labeled "Tablet Acetanilid Comp Improved", was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each tablet was represented to contain $2\frac{1}{2}$ grains of acetanilid, whereas each tablet contained less than $2\frac{1}{2}$ grains of acetanilid, namely, not more than 2.194 grains of acetanilid. Adulteration of the preparation, labeled "Rorer's Tastytabs Children's Migraine", was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each tablet was represented to contain one-tenth grain of caffeine, whereas each tablet contained less than one-tenth grain of caffeine, namely, not more than 0.0587 grain of caffeine.

Misbranding was alleged for the reason that the statements, "Each Capsule Represents Quinine Sulphate 1 gr. Strychnine Sulphate $1/60$ gr.", "Each tablet Represents Acetphenetidin $2\frac{1}{2}$ gr. Acid Acetylsalicylic $2\frac{1}{2}$ gr.", "Each tablet Represents * * * Acetanilid $2\frac{1}{2}$ gr.", and "Caffeine 1-10 gr. * * * tablets", appearing on the labels of the respective products, were false and misleading.

On September 29, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20155. Misbranding of Granger liver regulator. U.S. v. 27 Packages of Granger Liver Regulator. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 28913. Sample No. 7198-A.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and box labels and in circulars shipped with the article.

On September 14, 1932, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 packages of Granger liver regulator at Montgomery, Ala., alleging that the article had been shipped in interstate commerce, on or about April 27, 1932, by the Granger Medicine Co. (Estorge Drug Co.), from New Iberia, La., to Montgomery, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of senna and a small proportion of other plant material.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Liver Regulator For Diseases of the Liver, * * * Dyspepsia, Biliousness, Bilious Colic, Pains in Head, Pains in Back, Inflammation of Kidneys, Inflammation of Stomach and Bowels. * * * Liver Regulator for Liver and Kidney Complaints"; (tin box) "Formerly Liver Regulator * * * Known to be useful in diseases of the Liver and Kidneys. * * * For Chronic Liver Complaints * * * Biliousness, Colic, Sick Headache, Inflamed Kidneys, Pains in Back"; (yellow circular) "Directions For Using Granger Liver Regulator: * * * Torpid Liver—Take one to three teaspoonfuls at bedtime the first night, and one to two the second night; then commence with a half to one teaspoonful after each meal. Continue until the Liver is acting fully. Sick Headache—Take one teaspoonful four times a day at meals and at bedtime. A few days is generally sufficient, but the treatment should be continued until the head is clear and free from pain. Indigestion— * * * Piles and Biliousness—This is a very annoying and distressing disease, * * * take a half to one teaspoonful four times a day, at meals and at bedtime, until relieved"; (white circular) "Granger's Liver Regulator * * * to relieve biliousness * * * indigestion."

On November 1, 1932, the Granger Medicine Co., Inc., New Iberia, La., claimant, having consented to the destruction of the goods, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20156. Misbranding of Lippincott's One Night roup remedy. U.S. v. 11 Large Bottles, et al., of Lippincott's One Night Roup Remedy. Default decree of condemnation and destruction. (F. & D. No. 28547. Sample Nos. 5714-A, 5715-A.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 1, 1932, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 large bottles and 22 small bottles of Lippincott's One Night roup remedy, remaining in the original unbroken packages at Muncie, Ind., alleging that the article had been shipped in interstate commerce on or about June 19, 1932, by John W. Lippincott, from Newark, Ohio, to Muncie, Ind., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of non-miscible liquids, the upper layer consisting essentially of kerosene and coal-tar products and the lower layer consisting essentially of cresol, soap, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent: (Bottle label) "One Night Roup Remedy Has No Equal for Roup, Gapes, Canker, Chickenpox, Diarrhea. * * * Roup—Half teaspoonful of remedy put down fowl's throat. * * * If eyes are swollen bathe with remedy, bad cases morning and evening. * * * Preventive, teaspoonful in water or bran. Gapes: One small drop in throat will destroy, or few drops in water will prevent. Canker: Small doses three or four times a day. Chickenpox: Apply full strength to sores. Diarrhea: Treatment for fowls, same as roup. For chicks, same as Gapes"; (carton) "One Night Roup Remedy [Cut showing picture of sick chicken—"Get Me Lippincott's"] Has No Equal for Roup, Gapes, Cholera or Canker * * * For

Roup, Gapes, Canker and Colds * * * Roup Remedy Quickly Effects and a Marvelous Remedy * * * Roup—Half teaspoonful of remedy put down fowl's throat. * * * If eyes are swollen bathe with remedy, bad cases morning and evening; * * * Preventative one tablespoon in water or bran for twenty fowls. Gapes—One small drop in throat will destroy, or three drops in water will prevent. Canker—Small doses three or four times a day. Chickenpox—Apply full strength to sores. Diarrhea—Treatment for fowls same as Roup. For chicks, same as Gapes."

On October 29, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20157. Adulteration and misbranding of Thall's antiseptic roots; misbranding of Thall's cough syrup, female tonic, female tablets, rheumatic tablets, kidney tonic, nerve syrup, lung tonic, and la grippe capsules. U.S. v. David Thall (Thall's Home Remedy Laboratory). Plea of guilty. Fine, \$425. (F. & D. No. 28097. I.S. Nos. 28527, 28528, 28529, 30553, 30554, 30555, 30615, 30616, 30617.)

Examination of the drug preparations on which this case was based, disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. Thall's antiseptic roots were represented to be an antiseptic, whereas they were not antiseptic when used as directed. Thall's rheumatic tablets contained phenacetin, a derivative of acetanilid, and the label failed to state that phenacetin is a derivative of acetanilid. Several of the products were labeled "nonalcoholic," whereas they contained undeclared alcohol.

On October 11, 1932, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against David Thall, trading as Thall's Home Remedy Laboratory, Manchester, N.H., charging violation of the food and drugs act as amended. It was alleged in the information that the defendant had shipped on various dates during a period embracing a date uncertain in January, 1931, to and including July 7, 1931, from the State of New Hampshire into the State of Rhode Island, a quantity of Thall's antiseptic roots which were adulterated, and quantities of Thall's cough syrup, female tonic, female tablets, rheumatic tablets, kidney tonic, nerve syrup, lung tonic, and la grippe capsules, which products were misbranded. The articles were labeled in part: "The Thall's Home Remedies are carefully prepared and personally supervised by D. Thall * * * Thall's Cough Syrup (etc) * * * Prepared by [or "Manufactured for" or "Prepared for"] Thall's Home Remedy Laboratory Manchester, N.H." The cough syrup, female tonic, kidney tonic, nerve syrup, and lung tonic were further labeled, "non-alcoholic."

Analyses of samples of the articles by this Department showed that Thall's cough syrup consisted essentially of extracts of plant drugs, a benzoic acid compound, tar, a small proportion of creosote, sugar, alcohol (5.24 percent), and water, flavored with caramel; Thall's female tonic consisted essentially of extracts of plant drugs, sodium benzoate, sugar, alcohol (4.9 percent) and water; Thall's antiseptic roots consisted essentially of coarsely ground bitter dock and cranesbill. Bacteriological examination of the antiseptic roots showed that they were not antiseptic. Thall's female tablets contained extracts of plant drugs and strychnine (0.0234 grain per tablet); Thall's rheumatic tablets contained per tablet 2 grains of acetphenetidin, 1.5 grains of quinine, small proportions of extracts of plant drugs and caffeine; Thall's kidney tonic consisted essentially of extracts of plant drugs including valerian, a trace of alkaloids, small proportions of volatile oils including peppermint oil, sugar, alcohol (4.46 percent), and water; Thall's nerve syrup consisted essentially of extracts of plant drugs including valerian and licorice, a trace of alkaloids, sugar, alcohol (4.28 percent), and water, flavored with caramel; Thall's lung tonic consisted essentially of extracts of plant drugs including wild cherry and licorice, sodium benzoate (1.6 grams per 100 milliliters), sugar, alcohol (2 percent by volume), and water; Thall's la grippe capsules contained quinine sulphate (0.7 grain per capsule), ammonium chloride, camphor, and extracts of plant drugs.

Adulteration of the antiseptic roots was alleged in the information for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to be

antiseptic, and to be an antiseptic wash when made and used according to directions, whereas it was not antiseptic and was not an antiseptic wash when made and used according to directions.

Misbranding was alleged with respect to all products for the reason that certain statements appearing on the bottle labels and on the cartons or packages containing the articles were false and fraudulent, that is to say, the cough syrup was falsely and fraudulently represented to be a relief and remedy for coughs, bronchitis, asthmatic coughs, and affections of the lungs; the female tonic was falsely and fraudulently represented to be effective as a female tonic, as a relief in cases of profuse menstruation, menorrhagia and whites, leucorrhea and painful menstruation, and effective as a treatment of ovarian trouble and as a tonic for weakness and dragginess in the womb and its regions from whatever cause; the antiseptic roots were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for leucorrhea and gleet, ulcers and sores, and effective as a treatment in all kinds of diseases; the female tablets were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for menstrual irregularities; the rheumatic tablets were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for rheumatism, lumbago, stiff neck, neuralgia, and pain in the side; the kidney tonic was falsely and fraudulently represented to be effective as a kidney tonic, and effective to strengthen the kidneys and bladder, and as a relief for affections of the liver and stomach; the nerve syrup was falsely and fraudulently represented to be effective as a relief for nervous disorders, epilepsy, neuralgic convulsions, and asthmatic affections, and effective to relieve headache (maux de tête) hysteria (hysterie) and epileptic convulsions (convulsions d'épilepsie); the lung tonic was falsely and fraudulently represented to be effective as a lung tonic, effective to strengthen the lungs, and effective in the treatment of catarrh, spitting of blood, and affections of the lungs; and the la grippe capsules were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for la grippe, grippe, and influenza, and effective to relieve pain and produce sleep.

Misbranding of the cough syrup, female tonic, kidney tonic, nerve syrup, and lung tonic was alleged for the further reason that the statement "non-alcoholic," borne on the cartons containing the articles was false and misleading in that the articles contained alcohol and were alcoholic; and for the further reason that the articles contained alcohol and the labels failed to bear a statement of the quantity and proportion of alcohol contained therein. Misbranding of the rheumatic tablets was alleged for the reason that they contained phenacetin, a derivative of acetanilid, and the label failed to bear a statement that phenacetin is a derivative of acetanilid.

On November 1, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$425.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20158. Misbranding of Creme Crede. U.S. v. 12 Large Tubes, et al., of Creme Crede. Product adjudged misbranded. Decree of destruction entered with provision for release under bond. (F. & D. No. 28836. Sample Nos. 6143-A, 6144-A.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed in the label.

On September 1, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 large tubes and 25 small tubes of Creme Crede, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, in part on or about June 3, 1932, and in part on or about June 16, 1932, by the Scientific Products Laboratories, from Lincoln, Nebr., to Kansas City, Mo., and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this Department showed that it consisted essentially of boric acid, tragacanth, glycerin, a small proportion of lactic acid, traces of phenolic compound and a volatile oil, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Carton) "Prophylactique * * * Highly efficient in the Treatment of Leucorrhea,

Vaginitis, * * * and Catarrhal Inflammations of the Vaginal Tract—Especially Adapted For * * * Prophylactic Use”; (tube) “For * * * Prophylactic Use”; (circular) “According to eminent scientific authority the ideal vaginal antiseptic should * * * exert a sufficient antiseptic power to kill all invading germs and * * * have a * * * protective action upon the vaginal tissues. Creme Crede (prophylactique) has proved to be the practical realization of an ideal vaginal antiseptic, * * * These ingredients are well known for their valuable * * * action to inflamed mucous membranes as well as * * * for vaginal prophylaxis * * * Cancer of the reproductive organs is too often the result of long continued irritation. Every well informed physician, surgeon or chemist knows what an amount of ill health and unhappiness is caused annually through the wrongful use of caustic burning fluids in the personal hygiene of women. * * * Creme Crede (prophylactique) is Effective. * * * Being delivered in the cervix by a special applicator it is distributed into the smallest microscopical fissures where an antiseptic must reach if genuine prophylaxis be attained. The consistency of Creme Crede is such that it spreads rapidly over the cervix and into the vaginal folds thereby forming a protective antiseptic barrier to infection. The interior of the uterus is completely protected from invasion. * * * Because of the formula and method of distribution, Creme Crede * * * is indicated in the treatment of Leucorrhea, Vaginitis, * * * and other Catarrhal inflammations of the vaginal mucous membranes. * * * Application as a Prophylactic measure As a Prophylactic simply use one application well up in the vagina when necessary. The full antiseptic and protective action is available immediately after use and continued for several hours. It is unnecessary to use a douche when Creme Crede is employed for feminine prophylaxis. * * * preventing the growth of harmful bacteria.”

W. L. Johnson, trading as the Scientific Products Laboratories, Lincoln, Nebr., appeared as claimant for the property and admitted labeling the product as alleged in the libel but denied bad faith or reckless disregard of the truth or falsity of the statements contained therein. On September 7, 1932, the case having come on for hearing before the court, judgment was entered finding the product misbranded and ordering that it be destroyed unless the claimant within 10 days filed a bond in the sum of \$100, conditioned that it be relabeled in manner not in conflict with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20159. Misbranding of Hutchison's Big Head liniment and Magic oil. U.S. v. 161 Bottles of Hutchison's Big Head Liniment and Magic Oil. Default decree of condemnation and destruction. (F. & D. Nos. 28975, 28976. Sample Nos. 13308-A, 13309-A.)

This case involved the shipment of two drug preparations. Examination showed that the articles contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On October 3, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 small bottles and 52 large bottles of Hutchison's Big Head liniment and 88 bottles of Hutchison's Magic oil, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped in interstate commerce by the Hutchison Medicine Co., from Texarkana, Tex., to Shreveport, La., in part on or about June 29, 1932, and in part on or about July 11, 1932, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Big Head liniment consisted essentially of turpentine oil, a petroleum oil, and a trace of mercuric chloride; and that the Magic oil consisted essentially of capsicum oleoresin, small proportions of camphor, peppermint oil, a salicylate, and tannin, alcohol, a trace of chloroform, and water.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles, were false and fraudulent: (Big Head liniment, small carton) “Recommended by us in treating muscular rheumatism and cramps, lumbago, sciatica, * * * pleurisy pains, * * * stiff neck or back, bronchial coughs, sore throat and chest colds. * * * ordinary sores”; (Big Head liniment, small bottle) “Recommended by us in treating muscular rheumatism and cramps, lumbago, sciatica, * * * pleurisy pains,

* * * stiff neck or back, bronchial coughs, sore throat and chest colds.
 * * * ordinary sores * * * For tightness in chest due to colds, ordinary
 sore throat"; (Big Head liniment, large carton) "Big Head * * * A
 Remedy for Big Head, Sweeny, Fistula, Poll Evil, * * * Splint, * * *
 Spavin, Ring Hoof, * * * Sitfasts * * * good for human ailments,
 * * * A good remedy for Rheumatism, * * * Sciatica, Lumbago, Lamé
 Back, * * * Soreness in the Chest, Side or Back and Cramps in the
 Muscles. Removes Soreness From * * * Bunions. * * * Big Head
 * * * remedy for human ailments, such as rheumatism, * * * sciatica,
 lumbago, lame back, stiff joints, * * * pains in the side and back, cramps
 in the muscles and sore throat. A fine remedy in treating pneumonia and
 stubborn coughs, when applied to the chest, will relieve the tightness and
 loosen up the cough * * * Big Head * * * in relieving the pain from
 rheumatism * * * Any one troubled with piles will find this Liniment an
 excellent remedy. It takes out the soreness and helps to remove the small
 tumors usually found in such cases [testimonials] 'I had a horse with the
 worst case of fistula I ever saw and doctored it with everything I knew of
 with no success, but after using Big Head Liniment the horse is now sound
 and well and am working him every day.' * * * 'No remedy I have ever
 used gives such good results for fistula and pollevil.' * * * It relieves
 croup and sore throat.' * * * 'I got excellent results from the Big Head
 Liniment on a horse with fistula of two years' standing, that had once been
 cut out by a veterinarian, also had a lame cow and two applications did
 the work.' * * * 'I have used your Big Head Liniment with great
 results on two cases fistula'; (Big Head liniment, large size, circular) "Big
 Head * * * it simply takes a blister on most stock ailments to effect
 a cure. * * * For fistula and poll evil which are the same disease in
 character, * * * where the fistula is discharging, * * * Fistula and
 Pollevil are rather deep seated but the Big Head Liniment is very pene-
 trating and brings the disease to the surface. * * * For Big Head, sweeny,
 splint, spavin, ring bone * * * for splint, spavin and ring bone, be sure to
 rub the enlargement briskly, * * * The Liniment will readily remove the
 soreness or lameness but it takes a little time and patience to remove the
 enlargement. * * * In treating sweeny and other lameness in the shoulders
 and front legs, * * * sit-fasts, * * * and lameness, * * * to effect
 a cure, some old cases might require 3 or more treatments but not often it
 happens. * * * for any ailment on man or beast"; (Big Head liniment,
 large bottle) "Big Head * * * A Remedy for Big Head, Sweeny, Fistula,
 Poll Evil, * * * Splint, * * * Spavin, Ring Hoof, * * * Sit-fasts
 * * * Sores of any kind. * * * Removes Soreness from * * * Bun-
 ions. * * * Big Head * * * Recommended * * * in treating mus-
 cular rheumatism and cramps, lumbago, sciatic, * * * pleurisy pains,
 * * * stiff neck or back, bronchial coughs, sore throat and chest colds.
 * * * ordinary sores * * * For tightness in chest due to colds, ordinary
 sore throat"; (Magic oil, carton) "For pains in the Bowels and Stomach,
 Palpitation or Smothering of the Heart, Acute Indigestion, Weak Back
 * * * Rheumatism. * * * for Sore Throat. Recommended for Croup
 * * * Toothache, Earache. * * * for Colic or Bots in horses"; (Magic
 oil, bottle) "Good for pains in the Bowels and Stomach. Palpitation or Smoth-
 ering of the Heart, Weak Back, * * * and Rheumatism. * * * for
 Sore Throat * * * for Croup, * * * Toothache, Earache. * * *
 for Colic or Bots in Horses."

On October 25, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20160. Misbranding of Biz. U.S. v. Henderson & Skipworth, a Corporation, and Harry A. Skipworth. Pleas of guilty. Fine, \$50. (F. & D. No. 28045. I.S. No. 22191.)

Examination of the drug product on which this case was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was represented to be safe, whereas it contained carbolic acid, a poison.

On September 7, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for the district aforesaid an information against Henderson & Skipworth, a corporation, trading at San Francisco, Calif., and Harry A. Skipworth, a citizen and resident of San Francisco, Calif., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about December 30, 1930, from the State of California into the State of Washington, of a quantity of a drug preparation known as Biz that was misbranded. The article was labeled in part: (Bottle) "Absolutely Guaranteed * * * Biz. Safe—Effective—Antiseptic * * * Henderson & Skipworth, San Francisco, California."

Analysis by this Department of a sample of the article showed that it consisted essentially of phenol, camphor, and alcohol (6.3 percent).

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, appearing on the bottle and carton labels and in an accompanying circular, falsely and fraudulently represented that it was effective to abort unsightly sores; that it was effective as a treatment for, and to relieve, ringworm, barber's or Cuban itch, and pimples, and to heal many local skin disorders; and was effective as a remedy for the treatment of ringworm, pimples, barber's itch, and other infections. Misbranding was alleged for the further reason that the statement "safe," borne on the carton and bottle labels, was false and misleading, since the said statement represented that the article contained no harmful ingredients, whereas it was not safe, in that it contained poison.

On September 29, 1932, the defendant Harry A. Skipworth entered pleas of guilty on behalf of himself and the defendant corporation, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20161. Misbranding of Lambert's powders. U.S. v. 12 Small Packages, et al., of Lambert's Powders. Default decree of condemnation and destruction. (F. & D. No. 28970. Sample No. 2734-A.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also stated on the label that the article contained no injurious drug, whereas it contained acetanilid, a drug which might be harmful. The small envelopes containing the article bore no declaration of the quantity of acetanilid, and the declaration on the outside packages was very inconspicuous.

On September 30, 1932, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 small packages and 14 large packages of Lambert's powders, remaining in the original unbroken packages at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about April 25, 1931, by Lambert's, Inc. (Laboratories), from Minneapolis, Minn., to Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of acetanilid (2.91 grains), acetylsalicylic acid (8.98 grains) and salol (2.42 grains), in each powder.

It was alleged in the libel that the article was misbranded in that the statement on the box wrapper, "Positively Do Not Contain * * * Or any Other * * * Or Injurious Drugs", was false and misleading, since the article contained acetanilid, an injurious drug. Misbranding was alleged for the further reason that the label on the individual envelope failed to bear a declaration of the quantity or proportion of acetanilid contained in the article, and the acetanilid declaration on the box wrapper was very inconspicuous. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Box wrapper) "For the General Relief of Pain, especially Rheumatism * * * Grippe, * * * in severe cases"; (envelope) "For relief of Rheumatism * * * Etc."

On November 1, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20162. Misbranding of Dr. Williams' No. 101 Tonic. U.S. v. Interstate Drug Co. Plea of guilty. Fine, \$25. (F. & D. No. 26560. I.S. Nos. 02389, 030378, 030461, 14469.)

The drug product Dr. Williams' No. 101 tonic was recommended as a treatment and cure for certain ailments for which quinine sulphate and other cinchona derivatives are customarily prescribed. Examination showed that the article did not contain quinine sulphate or other cinchona derivatives in sufficient amount to cure such ailments, when administered according to directions. The labeling of the article bore further unwarranted curative and therapeutic claims. It was also claimed for the article that it contained no injurious drugs and could be given to children with perfect safety, whereas it contained quinine or other cinchona derivatives which might be harmful.

On September 24, 1931, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Interstate Drug Co., a corporation, Quitman, Ga., alleging shipment by said company in violation of the Food and Drugs Act in various consignments, on or about January 24, November 9, November 15, and December 6, 1929, and October 16, 1930, from the State of Georgia into the State of Florida, of quantities of Dr. Williams' No. 101 tonic which was misbranded. The article was labeled in part: (Bottle) "Dr. Williams' No. 101 Tonic A Ready Prepared Prescription for Malaria, Chills, Chills and Fever"; (circular) "No. 101 contains no alcohol, arsenic or other injurious Drugs. You give it to your children with perfect safety."

Analyses of samples of the article by this Department showed that it consisted essentially of cinchona alkaloid sulphates not more than 6 grains per fluid ounce, ferric chloride, magnesium sulphate, glycerin, and water.

It was alleged in the information that the article was misbranded in that the statements appearing in the circular, "No. 101 contains no * * * injurious drugs. You give it to children with perfect safety," were false and misleading, since the article contained injurious drugs, quinine sulphate or cinchona alkaloid sulphates, and it could not be given to children with perfect safety. Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the bottle labels, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a specific, remedy, treatment, and cure for malaria, chills, chills and fever, la grippe, bilious fever, intermittent and remittent fever, and effective to give appetite, and as a specific, remedy, treatment, and cure for dengue fever, constipation, rundown systems, and effective as a sure and safe preventive for colds, pneumonia, malarial chills and fever, and as a wonderful body-building, strength-giving tonic, and in the case of certain of the shipments of the article that it was effective as a specific, remedy, treatment, and cure for influenza. The information further alleged that certain statements, designs, or devices appearing on the carton, enclosing a portion of the article, falsely and fraudulently represented that it was effective as a specific, remedy, treatment, and cure for continued fever, and effective to restore vitality, renew health, kill the malaria germ, to give strength to the patient, and to act upon the liver.

On September 19, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20163. National Remedy Co. (F. E. Rollins Co.) v. Arthur M. Hyde, et al. Appeal from decree of the Supreme Court of the District of Columbia dismissing bill of complaint. Judgment of Lower Court reversed and cause remanded.

The National Remedy Co., at the time of the entry of final judgment in this case known as the F. E. Rollins Co., of Boston, Mass., filed a bill of complaint in the Supreme Court of the District of Columbia against William M. Jardine, Secretary of Agriculture, Walter G. Campbell, Director of Regulatory Work, and J. J. Durrett, Chief of Drug Control of the Food and Drug Administration, as the result of libels filed in various United States District Courts charging complainant's product, B. & M. external remedy, with violation of the Federal Food and Drugs Act as amended. Subsequent to the filing of the bill Arthur M. Hyde, who had succeeded William M. Jardine as Secretary of Agriculture, was substituted as party defendant. The bill prayed that the defendants be restrained from prosecuting the said libels, with the exception of one test case, and from causing to be instituted further libels against complainant's product.

On August 19, 1929, the bill came on for hearing in the Supreme Court of the District of Columbia and was dismissed as reported in notice of judgment No. 16780. The complainant thereupon took an appeal to the Court of Appeals of the District of Columbia.

On April 14, 1931, the appeal was argued, and on June 1, 1931, the following decision was handed down reversing the lower court (50 F. (2d), 1066): Robb (A. J.).

"Appeal from a decree in the Supreme Court of the District sustaining a motion to dismiss appellant's bill to enjoin appellees from causing to be made so-called 'multiple seizures' of appellant's 'B. & M. External Remedy' until such time as the disputed questions of law and fact can be judicially determined in some one of the several libels already filed against the remedy.

"The averments of the complaint, stated in narrative form, are substantially as follows: Appellant, the National Remedy Company, is a Massachusetts corporation, with its principal place of business in Boston, in that State. In 1913 it commenced and has since continued to manufacture and sell the above proprietary remedy. This enterprise has prospered to such an extent that the business and good-will now 'amount to about the sum of \$100,000.'

"The remedy is not a nostrum, but is of value in the treatment of diseases of the human body, as has been demonstrated by practical experience and also by scientific, laboratory, and clinical research, experimentation, and study. It is intended, as its name signifies, solely and only as an external remedy. 'The statements contained in and upon the labels, pamphlets, booklets, circulars and other printed matter have been prepared with care, under scientific direction, and in the utmost of good faith.' No representations have been made which appellant and its officers and agents did not believe, and have reason to believe, were and are true, and the medicine never has been, and is not now, adulterated.

"The medicine is manufactured in the State of Massachusetts and distributed, not only in that State, but also in interstate commerce to practically all the other States of the Union, to the District of Columbia, and also to foreign countries.

"During the year 1919, at the instance of officials of the Department of Agriculture of the United States, a hearing was had in that Department, at which appellant appeared and presented evidence in support of the claims made in the labels, circulars, pamphlets, and booklets advertising the remedy. The representations made at that time in the labels, books, pamphlets, etc., were substantially the same as those contained in the present literature accompanying the remedy. Appellant being unable at that time to satisfy the Department as to this advertising matter, the Department caused seizures of the remedy to be made under libels filed by the United States in various jurisdictions, and among other places, in the city of Concord, N.H., in October, 1922. Trial was had before a jury in the District Court of the United States for the District of New Hampshire, at which it was contended by the Government that the statements in the advertising matter of appellant, regarding the curative and therapeutic effects of its remedy, were false and fraudulent. A verdict was rendered for the claimant, appellant here. Judgment was entered on this verdict.

"For a period of six consecutive years following the judgment in the New Hampshire District Court appellant continuously sold and distributed its remedy in interstate commerce and in the State of Massachusetts without molestation or criticism. The remedy is now carried in stock and sold by many thousand drug dealers in practically all of the States of the Union and the District of Columbia.

"In December, 1928, and January, 1929, the Department of Agriculture caused libels to be brought against appellant's remedy, and seizures thereof to be made in the following cities: New York, N.Y.; Pittsburgh, Pa.; Philadelphia, Pa.; Baltimore, Md.; Oakland, Calif.; Portland, Me.; Miami, Fla.; and elsewhere.

"Appellant avers, upon information and belief, that the Secretary of Agriculture, acting through subordinates, is purposing and intending to cause to be instituted and prosecuted libels in numerous other places in the United States, all arising out of and based upon the same general allegations and statements so contained in the circulars, pamphlets, booklets, and cartons of appellant. The several libels already instituted contain identical statements and allege the adulteration and misbranding of appellant's remedy. So far as appellant is advised, the specifications and details of the charges made against appellant's remedy in the several States where the libels have been filed are

identical. If the appellees proceed with other seizures in other places, as they have threatened to do, the entire output of appellant's factory and workshop could be seized and held for an indefinite period of time.

"The prosecution of libels in various courts in widely separated parts of the United States is unnecessarily oppressive and causing appellant great and unnecessary expense, and is ruining, and will ruin and destroy, its business and good will.

"Appellant does not seek to restrain appellees from obtaining, 'by the due and proper method provided by law, a decision upon the disputed questions of law and fact involved, but merely wants to prevent irreparable injury to itself arising out of the multiplicity of such libels in widely separated jurisdictions.' Appellant has no plain, adequate, and complete remedy at law, and its property, business, and goodwill will be ruined and destroyed, unless relief is granted herein.

"The motion to dismiss admits all material facts averred in the bill. *American School of Magnetic Healing v. McAnnulty*, 187 U.S. 94, 103, 23 S.Ct. 33, 47 L.Ed. 90.

"Under the Pure Food Law (act of June 30, 1906, 34 Stat. 768 (21 USCA §§ 1-5, 7-15), as amended by the act of August 23, 1912, 37 Stat. 416 (21 USCA §§ 9, 10)) it is the duty of the Department of Agriculture (section 4 (section 11)) to make examination of specimens of certain foods and drugs for the purpose of determining whether such articles are adulterated or misbranded within the meaning of the act, and, if it shall appear from such examination that any of such specimens is adulterated or misbranded to 'certify the facts to the proper United States district attorney,' who (under section 5 (section 12)), without delay, must institute 'appropriate proceedings,' by indictment or libel for condemnation, or both, as the facts may warrant. *United States v. Morgan*, 222 U.S. 274, 280, 32 S.Ct. 81, 56 L.Ed. 198.

"It is conceded by appellees that the determination of the question whether a given product is adulterated or misbranded is for the court, and that 'the function and duty of appellees under section 4 of the food and drugs act is one of investigation. Their findings and conclusions in respect to adulteration and misbranding are merely tentative, and have no binding or obligatory force in themselves. They are not a regulation or an order but are merely the assertion of an opinion that the law has been violated and that proceedings in the name of the United States as directed by statute should be instituted for this alleged violation.' Indeed, such was the conclusion of the court in the *Morgan* case. Due process of law required this. *Ohio Valley Water Co. v. Ben Avon Borough*, 253 U.S. 287, 40 S.Ct., 527, 64 L.Ed. 908.

"Inasmuch as every district attorney to whom the Department makes certification must institute appropriate proceedings, by indictment or libel for condemnation, or both, it is evident that, even though the findings of the Department are merely administrative, nevertheless, if such certification should be made to the district attorney in every district where a product might be found, the manufacturer would be crippled or ruined long before the final adjudication in the court could be had. Such a result, we think, was not contemplated by Congress, except possibly in unusual cases where drastic action would be necessary for the immediate protection of the public. Is this a case of that character? We think not.

"Appellant's remedy is for external use only. Its business was started in 1913. In 1919 the Department caused seizures to be made in various jurisdictions, and at the trial in the United States District Court for the District of New Hampshire the issue whether the advertising matter constituted misbranding was submitted to the jury, and resulted in a verdict and judgment for the defendant (appellant here). We must assume, therefore, that the Department at that time was mistaken, and that the remedy was not misbranded within the meaning of the law. The remedy was the same and the advertising was substantially the same as it is now. The contention then was that the remedy was misbranded. It is now contended that it is not only misbranded but adulterated. If it is adulterated now, it must have been then, yet the analysis at that time failed to disclose adulteration. We may assume, therefore, that the adulteration (if any) is not of such character as to endanger the public. This assumption is justified, not only because of the failure to detect adulteration in the analysis of 1919, but because for a period of six years after the judgment in the District Court for New Hampshire appellant was unmolested in the conduct of its business.

"In *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714, 13 L.R.A. (N.S.) 932, 14 Ann. Cas. 764, it was held that, while there is no rule permitting a person to disobey a statute with impunity at least once for the purpose of testing its validity, when such validity can only be determined by judicial determination and construction, a provision in the statute which imposes such severe penalties for disobedience of its provisions as to intimidate the parties affected thereby from resorting to the courts to test its validity practically prohibits those parties from seeking such judicial construction and denies them the equal protection of the law. In the present case, the action and proposed action of the Department would, under the averments of the bill, in effect deprive appellant of its property through the destruction of its business before the issues involved could be determined by the court. The result, therefore, would be little different than as though no provision had been made for judicial review. Such a course of conduct on the part of the Department amounts to arbitrary exercise of power, and is a deprivation of due process of law. It is not, therefore, a suit against the United States. *Philadelphia Co. v. Stimson*, 223 U.S. 605, 620, 32 S.Ct. 340, 56 L.Ed. 570; *Heath & Milligan Co. v. Worst*, 207 U.S. 338, 28 S.Ct. 114, 52 L.Ed. 236.

"A court of equity has jurisdiction to restrain by injunction the institution of a multiplicity of suits under such circumstances as are here present. In *Third Ave. R.R. Co. v. Mayor, etc., of N.Y.*, 54 N.Y. 159 (cited with approval in *Cave v. Rudolph*, 53 App.D.C. 12, 15, 287 F. 989), the municipal authorities had commenced 27 actions against the railroad company to recover penalties prescribed and imposed by city ordinances for running cars without a license. The railroad company brought an action to restrain the prosecution of more than one until that one could be finally heard and determined. The Court of Appeals ruled that, as the prosecution of all the suits would be unnecessarily oppressive, the interference of a court of equity was properly invoked and exercised. But it is contended that, 'If appellees should be enjoined in this case no practical relief would be afforded appellant, since under section 5 of the act the United States Attorney could proceed against various shipments of the product throughout the country when any health, food, or drug officer or agent of any State, Territory, or the District of Columbia should present satisfactory evidence of such violations.' This contention is without merit. The relief prayed for is against appellees to prevent them from causing seizures of practically all of appellant's product, and to this relief, under the admitted facts, appellant is entitled.

"The decree will be reversed and the cause remanded for further proceedings not inconsistent with this opinion.

"Reversed and remanded."

No further action was taken in the case, all seizure proceedings in litigation at the time of the institution of the injunction suit having been terminated prior to the said decision of June 1, 1931, by the entry of judgments ordering destruction of the product, as reported in notice of judgment No. 18176.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20164. Misbranding of Sinapole ointment. U.S. v. 25 Large Jars, et al., of Sinapole Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28650. Sample No. 2395-A.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed in the labeling.

On August 15, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 large jars and 25 small jars of Sinapole ointment, remaining in the original packages at Santa Fe, N.Mex., alleging that the article had been shipped in interstate commerce on or about September 15, 1925, by the Sinapole Co., from Los Angeles, Calif., to Santa Fe, New Mex., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of an ointment with a petrolatum base containing volatile oils including mustard oil, 12.5 milliliters per 100 grams.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Jar label) "Uses Pleurisy * * * Rheumatism, * * * Lumbago, Croup, * * * Sore Throat, Neuritis,

Pneumonia, Toothache"; (carton) "For Coughs * * * Congestion of Lungs, Pneumonia, Lumbago, Bronchitis, Croup, Sore Throat, Pleurisy, Rheumatism * * * Neuritis, Toothache, Sore Joints"; (circular) "Sinapole * * * quick relief to the most deepseated nerve pain. * * * Sinapole is used in the following ailments: Coughs and colds of the throat, chest and lungs, pneumonia, bronchitis, pleurisy, lumbago, rheumatism, neuritis, * * * toothaches, * * * and sore joints * * * In severe cases of neuritis, lumbago, rheumatism, * * * we recommend that you bathe the parts affected with hot water to open the pores of the skin, dry thoroughly and then rub Sinapole in well and you will find that you will get quick results."

On October 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20165. Misbranding of Scarlet Red salve. U.S. v. 23 Jars of Scarlet Red Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26130. I.S. No. 16050. S. No. 4435.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label and in an accompanying circular.

On March 30, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 jars of Scarlet Red salve, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 29, 1930, by the Heilkraft Medical Co., from Boston, Mass., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of petrolatum, containing boric acid, a zinc compound, eucalyptus oil, and a red dye (Scarlet R).

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "Causes an active proliferation of the epithelium, and in such chronic conditions as partial skin grafts, ulcers following operation for infection, ulcers following burns, traumatic ulcers, specific ulcers, varicose ulcers, bed sores, and the like, the results have been in many instances nothing short of remarkable. All who have used the agent are enthusiastic in their praise of it"; (circular) "In the treatment of Indolent Varicose Ulcers, Sluggish or Non-granulating Wounds, Sores resulting from various Blood Diseases, Eczema, * * * etc."

On October 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20166. Adulteration and misbranding of Armstrong's granular effervescent lithia compound. U.S. v. Armstrong Chemical Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 28050. I.S. No. 30584.)

This action was based on the interstate shipment of a drug preparation which was represented to contain caffeine citrated, and which, upon analysis, was found to contain no caffeine citrated.

On May 4, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Armstrong Chemical Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 15, 1930, from the State of Massachusetts into the State of New Hampshire, of a quantity of Armstrong's granular effervescent lithia compound that was adulterated and misbranded. The article was labeled in part: "Armstrong's granular Effervescent Lithia Compound. Each heaping teaspoonful one drachm contains * * * one grain of Caffeine Citrated * * * Armstrong Chemical Company * * * Boston, Mass."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under

which it was sold, in that each heaping teaspoonful. 1 dram, of said article was represented to contain 1 grain of caffeine citrated, whereas the article contained no caffeine citrated.

Misbranding was alleged for the reason that the statement, "Each heaping teaspoonful one drachm contains * * * one grain of caffeine citrated", was false and misleading, since the article contained no caffeine citrated.

On October 24, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20167. Adulteration and misbranding of nitroglycerin compound tablets. U.S. v. 17,000 Tablets of Nitroglycerin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28269. I.S. No. 43253. S. No. 6142.)

This action involved a shipment of nitroglycerin compound tablets, which were represented to contain in each tablet 1/100 grain of glonoin. (Glonoin is a synonym for nitroglycerin.) Samples examined were found to contain approximately one-fifth as much nitroglycerin as represented.

On May 2, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17,000 nitroglycerin compound tablets at Lockport, N.Y., consigned by L. H. Studebaker, Erie, Pa., alleging that the article had been shipped in interstate commerce January 15, 1932, from Erie, Pa., to Lockport, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, "Tablets Nitroglycerine * * * Glonin 1-100 gr."

Misbranding was alleged for the reason that the statement on the label, "Tablets Nitroglycerine * * * Glonin 1-100 gr.", was false and misleading.

On October 31, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20168. Misbranding of Arium. U.S. v. 10 Boxes of Arium. Default decree of condemnation and destruction. (F. & D. No. 28925. Sample No. 2739-A.)

This case involved a product represented to be radium in tablet form, which was found to consist of radium and strychnine. It was claimed for the article in the labeling that it would produce beneficial effects, whereas if taken according to directions, it might be dangerous to the health of the consumer.

On September 17, 1932, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of Arium, remaining in the original unbroken packages as Sioux City, Iowa, alleging that the article had been shipped in interstate commerce, in part on or about January 22, 1930, and in part on or about March 3, 1930, by Fuller-Morrison Co., from Chicago, Ill., to Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed the tablets contained in each, 2.6 millimicrograms of radium and 0.02 milligram of strychnine.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Radium in Tablets", was false and misleading, since it also contained strychnine. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, "Take two tablets with swallow of water before or after meals. To derive the most beneficial effects, Arium should be taken regularly and as directed. A six weeks' course is recommended", were false and fraudulent, since the impression was created that the article would prove beneficial to the user, when in fact it might have been detrimental and dangerous if taken in accordance with directions.

On November 1, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20169. Adulteration and misbranding of sodium phenobarbital tablets. U.S. v. 98 Bottles of Sodium Phenobarbital Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28651. Sample. No. 14339-A.)

This case involved a quantity of drug tablets which were found to contain a smaller amount of phenobarbital sodium than declared on the label.

On or about August 13, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 bottles of sodium phenobarbital tablets, remaining in the original unbroken packages at Perry Point, Md., alleging that the article had been shipped in interstate commerce on or about June 20, 1932, by the American Pharmaceutical Co., from New York, N.Y., to Perry Point, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle and carton) "American Pharmaceutical Co., Inc. 1½ Grain Sodium Phenobarbital A.P.C."

Analysis of a sample of the article by this Department showed that it consisted essentially of phenobarbital sodium (0.97 grain per tablet).

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "1½ Grain Sodium Phenobarbital."

Misbranding was alleged for the reason that the statement on the bottle label and carton, "1½ Grain Sodium Phenobarbital", and the statements on the carton, "Phenyl-Ethyl Barbituric Acid" and "Demand A.P.C. Products for Quality and Reliability," were false and misleading.

On October 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20170. Misbranding of Sal Vet worm destroyer conditioner tonic. U.S. v. Twenty-one 5-Pound Packages, et al., of Sal Vet Worm Destroyer Conditioner Tonic. Default decree of condemnation and destruction. (F. & D. No. 28464. Sample No. 9707-A.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was also represented to contain tobacco, whereas no appreciable amount of tobacco was found in the samples analyzed.

On July 12, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-one 5-pound packages, fourteen 10-pound packages, two 50-pound pails, and two 100-pound bags of Sal Vet worm destroyer conditioner tonic, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about May 6, 1932, by the Sal-Vet Products Co., Cleveland, Ohio, to Richmond, Va., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium chloride (84.2 percent), ferrous sulphate (0.85 percent), sulphur (2.35 percent), magnesium sulphate (2.3 percent), charcoal, and plant material, including a very small proportion of tobacco.

It was alleged in the libel that the article was misbranded in that the following statements borne on the carton, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "Worm Destroyer * * *

for * * * hogs or sheep * * * horses, cows or steers * * * worm expeller. * * * Sheep—Keep Sal-Vet constantly before your sheep and lambs. both in pasture and feeding-pens. They'll doctor themselves. But if any are sick and too weak to lap the preparation, give to such one or two teaspoonfuls, dry on the tongue. two or three times a day. * * * Hogs and Pigs—To keep them healthy and worm-free, keep Sal-Vet constantly before them in pen and pasture. If hogs are out of condition, give one tablespoonful in soft feed or slop two or three times a day. Pig out of condition, quarter to half the quantity. For Wormy Hogs and Pigs— * * * Horses and Stallions— * * * To quickly start worms, omit the noon meal and feed two tablespoonful Sal-Vet in a hot bran mash for the evening meal. * * * Pin-Worms—Feed Sal-Vet as above, and give an injection of a quart of warm water

in which two tablespoonfuls of Sal-Vet has been dissolved. * * * Milch Cows—To keep them in healthy condition, and to enable them to produce the best possible yield from what you feed, * * * If out of condition, or if they abort, give them access to it full strength; or give a tablespoonful in soft feed night and morning. * * * Calves Out of Condition." Misbranding was alleged for the further reason that the statement on the carton, "Contains * * * Tobacco," was false and misleading.

On October 4, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20171. Misbranding of Brander's No. 7. U.S. v. 25 Cases, et al., of Brander's No. 7. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28809, 28810. Sample No. 14342-A.)

Examination of the drug product involved in these cases disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular accompanying the article. The labeling also represented that the article was antiseptic, whereas bacteriological tests showed that it was not antiseptic when used as directed.

On or about August 29, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 23 cases and 21 packages of Brander's No. 7, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 11, 1932, by the Haley M-O Co., Inc., from Geneva, N.Y., to Baltimore, Md., and charging misbranding, in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of soap, phenols, glycerin, and water (99 percent). Bacteriological examination showed that the product was not antiseptic when diluted with an equal volume of water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling were false and misleading, since the product was not antiseptic or bactericidal when used as directed in the portions of the labeling quoted: (Carton) "Bactericidal (Destroying Germs) * * * seven uses * * * 7. Reliable and safe in feminine hygiene. * * * non-alcoholic antiseptic * * * effective for feminine hygiene"; (bottle label) "Bactericidal (Destroying Germs) * * * Promotes feminine hygiene and has a beneficent effect on delicate membranes and tissues. * * * Feminine Hygiene Two or three tablespoons of Brander's No. 7 to a quart of water as a vaginal douche several times daily as necessary. It is always advisable to consult a qualified physician in regard to abnormal discharge"; (circular) "Mouth Wash and Deodorant—The mouth is a breeding place and an excellent harbor for germs. Some are breathed in, some are in the food, some are on eating utensils. These bacteria multiply rapidly in the decomposing food particles which cling to the teeth. By the regular use of Brander's No. 7 as a cleansing agent most of these organisms are destroyed and the proper mouth hygiene established. Brander's No. 7 * * * diluted with water to half strength, should be used three or four times daily as a cleansing mouth wash, * * * Thereby not only the bacteria are removed but also the food particles which are breeding places of the germs. * * * Brander's No. 7 For Feminine Hygiene * * * The following are the requirements for the hygienic douche—7. Dependable antiseptic and bactericidal potency. * * * Brander's No. 7 provides a * * * douche with antiseptic effect * * * In addition to its own antiseptic * * * Directions Two or three tablespoons to the quart of water as a vaginal douche." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the articles, appearing in the circular, were false and fraudulent: (Circular) "There are conditions of excessive or perverted secretion or discharge for which many find it necessary and advisable to employ the vaginal douche. * * * Leukorrhea ('The Whites')—By the use of Brander's No. 7 prompt relief can be obtained when surgical or systematic treatment is not indicated. Brander's No. 7 is effective not only for the whitish discharge of Leukorrhea but for the ropy, slimy discharge associated

with infection of the mouth of the womb or uterus. In Non Specific Vaginitis—Brander's No. 7 is of great value. In addition to its own antiseptic and cleansing action, it causes relaxation of the vaginal mucus membrane and the folds of the vagina are more easily cleaned. It aids in breaking down and destroying pus and the hidden pockets where the pus originates. * * * Two or three tablespoons to the quart of water as a vaginal douche several times daily if necessary, in those cases of excessive discharge."

On October 1, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20172. Adulteration and misbranding of tincture aconite. U.S. v. Five 4-Ounce Bottles of Tincture Aconite U.S.P.X Standard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28737. Sample No. 12280-A.)

This action involved a quantity of tincture aconite which was represented to be of pharmacopoeial standard and which was found to possess a potency of about 60 percent of the minimum requirement of the United States Pharmacopoeia for tincture of aconite.

On August 20, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five 4-ounce bottles of aconite at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about June 17, 1932, by Sharp & Dohme, Inc. from Philadelphia, Pa., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture Aconite U.S.P.X. Standard."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Tincture Aconite U.S.P.X. Standard," was false and misleading.

On September 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20173. Misbranding of Vitalizing tablets. U.S. v. 27 Packages of Vitalizing Tablets. Default decree of destruction entered. (F. & D. No. 27713. I.S. Nos. 37231, 37232. S. No. 5779.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On February 29, 1932, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 27 packages of Vitalizing tablets, remaining in the original packages at Birmingham, Ala., alleging that the article had been shipped in interstate commerce, in part on or about January 20, 1932 (1931), and in part on or about December 19, 1931, by the Parker Medicine Co., from Tampa, Fla., to Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that the tablets contained extracts of plant drugs including a laxative drug such as cascara sagrada, nux vomica, and damiana, and were coated with calcium and iron compounds.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent: (Tin carton) "Vitalizing Tablets for Weak Men and Women"; (circular) "Vitalizing Tablets The Greatest Kidney Remedy * * * It Regulates the Kidneys and Stops You From Getting up at Night.

For Weak Men and Women * * * For Every Human Organ; Brain, Nerves, Liver, Kidneys, Bladder, Digestive, Sexual, Urinary Organs and the Blood. They are a Valuable Remedy in the Treatment of Impotency, General Nervous Debility, Insomnia, * * * Tired Feeling, Low Spirits. They Give Vim, Vigor, Courage, Vitality and New Life. * * * For Weak Men * * * For Weak Men * * * Vitalizing Tablets relieve Constipation and Indigestion, Impart Confidence and Courage, Exhilarates Mind and Body, Nerves, Liver and Kidneys; Assist Ambition, Energy, Power, Lost Vitality and Impotency; and gives Vigorous Activity to Urinary and every human organ. For Weak Women A Female Regulator for Suppressed and Painful Menstruation, Leucorrhea and other ills peculiar to their sex. They relieve Impotency, Insomnia, Nervousness, Indigestion, Headache, Constipation, Tired Feeling, and Low Spirits. They assist in Restoring to Nature and Comfort, Relief and Sleep, Rest and Vitality. They bring Bloom to Pallid Cheeks, Joy to sad Hearts, Impart New Vim and Vigor and give New Lease on Life. * * * Vitalizing Tablets first act upon the Liver, cleansing the system of accumulated bile; removes impurities from the Blood through the Bowels, Stomach, Lungs, Kidneys and Skin; Stimulates the Brain and General Nervous System by their Tonic Effect, and sets every part of the body to work in the right way. * * * Vitalizing Tablets Have No equal as a Liver, Kidney and Blood Medicine, Mental Invigorator, System and Nerve Tonic. They are superior * * * in the treatment of Impaired Vigor, Impotency, Indigestion, * * * and General Nervous Debility. They give Permanent Relief * * * [Testimonials] 'Being run down from overwork and irregularity of meals, I was advised * * * to try * * * Vitalizing Tablets. * * * having used the same for three months I * * * feel like a new man. I have gained seventeen pounds, and my appetite is increasing every day, and I can now sleep well at night.' ' * * * have received permanent good from their use. * * * relieved me of that tired worn out feeling and general nervous debility, from which I suffered.' ' * * * the longer I take them the better I feel. My appetite is fine, my rheumatism is better, and I feel so much relieved.' * * * 'They have * * * a soothing effect on me, * * * I sleep soundly now * * * I have gained in weight and improved * * * ' * * * Vitalizing Tablets for weak women. For five years life has been a burden to me, but since I commenced using the Tablets I feel like a girl of sixteen, but really am forty-two. * * * do much good for suffering women.' * * * 'I was suffering intensely with indigestion and kidney trouble, * * * but found no relief until I obtained and took * * * Vitalizing Tablets. They * * * gave prompt relief and comfort. I had previously suffered fourteen years and was most of the time unable to do business, but the Tablets vitalized me and gave me new life.' * * * 'I was suffering very much in various ways when I * * * immediately began to find relief.' * * * 'My son * * * was all run down, could retain no food on his stomach, had no control of his intestines, too weak to try to work. * * * I got * * * Vitalizing Tablets which he commenced taking, and he soon began to improve. * * * in health and strength sufficiently to return to work. He is now fat and strong and * * * Vitalized indeed.' "

On September 13, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20174. Adulteration of pancreas compound capsules and ergot ampuls. U.S. v. George M. Beringer, Inc. Pleas of guilty. Fines, \$400. (F. & D. Nos. 27518, 28055. I.S. Nos. 30933, 42823.)

These cases were based on the interstate shipment of quantities of drugs, one involving pancreas compound capsules, samples of which contained a smaller amount of arsenic bromide than represented; and the other involving ergot ampuls that were found to possess a physiological potency of less than one fourth the potency declared on the label.

On June 28, 1932, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court

of the United States for the district aforesaid two informations against Geo. M. Beringer, Inc., Camden, N.J., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of New Jersey into the State of Pennsylvania, on or about March 30, 1931, of a quantity of pancreas compound capsules, and on or about November 5, 1931, of a quantity of ergot ampuls, which said products were adulterated. The bottle containing the pancreas compound capsules was labeled in part: "Capsules No. 160 Pancreas Compound, Special Anti-Diabetic Capsules (Beringer) Each Capsule Contains: * * * Arsenic Bromide 1/100 grain * * * George M. Beringer, Inc. Manufacturing Pharmacists * * * Camden, N. J." The cartons containing the ergot ampuls were labeled in part: "1 c.c. Ampoules No. 12 Ergot, Sterile 30 grs. (1.94 gm.) Selected Ergot."

Adulteration of the said pancreas compound capsules was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each capsule was represented to contain one one hundredth of a grain of arsenic bromide, whereas each capsule contained less arsenic bromide than so represented, namely, not more than 0.000227 grain, i. e., one forty-four hundredth of a grain of arsenic bromide. Adulteration of the ergot ampuls was alleged for the reason that the article fell below the professed standard and quality under which it was sold in that the article was represented to contain in each cubic centimeter the physiological potency of 30 grains (1.94 gram) of selected ergot, whereas each cubic centimeter contained less than one fourth of the potency of 30 grains (1.94 gram) of selected ergot.

On October 6, 1932, a plea of guilty to each information was entered on behalf of the defendant company, and the court imposed a fine of \$200 in each case.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20175. Misbranding of W.H.D. special stomach medicine, and W.H.D. special medicine. U.S. v. 4 Cans of W.H.D. Special Stomach Medicine, et al. Default decree of condemnation and destruction. (F. & D. No. 28919. Sample Nos. 2735-A, 2736-A, 2737-A.)

Examination of the drug preparations involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed on the can labels.

On September 17, 1932, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 4 cans of W.H.D. special stomach medicine, 26 cans of W.H.D. special medicine, 60-cent size, and 14 cans of W.H.D. special medicine, \$1.00-size, remaining in the original unbroken packages at Sioux City, Iowa, alleging that the articles had been shipped in interstate commerce, in part on or about July 26, 1930, and in part on or about April 7, 1931, by the W.H.D. Special Mfg. Co., from Woodston, Kans., to Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the article by this Department showed that they consisted essentially of calcium carbonate, magnesium carbonate, and sodium bicarbonate.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent: (Special stomach medicine, can) "Special Stomach Medicine For * * * Overeating, Stomach Disorders, * * * Ulcers of Stomach, * * * Instantly Relieves * * * Stomach Disorders * * * Why suffer with These Troubles? Have Testimonials of Marvelous Relief from so called Rheumatism, Kidney Trouble and Many Other Diseases that may be caused by the stomach. Your trouble may be caused by your stomach or bowels. It may be just what you need. Many have been saved many hours of suffering by taking this harmless remedy"; (special medicine, \$1.00 size can) "For * * * Overeating, Stomach Disorders, * * * Ulcers of Stomach, * * * Instantly Relieves * * * Stomach Disorders * * * Why suffer with These Troubles? Have Testimonials of Marvelous

Relief from so called Rheumatism, Kidney Trouble and Many Other Diseases that may be Caused by the Stomach. Your Trouble may be Caused by Your Stomach or Bowels. It May be Just what you Need. Many Have Been Saved Many Hours of Suffering by Taking this Harmless Remedy. Directions: * * * If don't get relief from dose directed take more often and larger dose"; (special medicine, 60-cent can) "For * * * Overeating, Stomach Disorders, * * * Ulcers of Stomach, * * * Relieves * * * Distress from Overeating, * * * Stomach Disorders * * * Excellent Blood Remedy. * * * Why suffer with these troubles? Have testimonials of marvelous relief from what people thought was Rheumatism, Kidney Trouble or other disease caused by the stomach. It may be your trouble is caused by your stomach or bowels. Try a box of this remedy, it may be just what you need. Many have been saved many hours of suffering by taking this harmless remedy. Directions: * * * If you don't get relief from above dose take a larger or smaller dose and more or less often as the case may require."

On November 1, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 20151-20175

	N.J. No.		N.J. No.
Acetanilid compound tablets:		Squill, fluidextract:	
Rorer, William H., Inc-----	20154	Sharp & Dohme-----	20153
Aconite, tincture:		Tal-O-Rub:	
Sharp & Dohme, Inc-----	20172	McKesson Hall Van Groder	
Arium:		Co-----	20152
Fuller-Morrison Co-----	20168	Tastytabs:	
Armstrong's granular effervescent		Rorer, William H., Inc-----	20154
lithia compound:		Thall's antiseptic roots:	
Armstrong Chemical Co-----	20166	Thall, David-----	20157
B. & M. external remedy:		Thall's Home Remedy Labora-	
National Remedy Co----- ¹	20163	tory-----	20157
Rollins, F. E., Co----- ¹	20163	cough syrup:	
Biz:		Thall, David-----	20157
Henderson & Skipworth-----	20160	Thall's Home Remedy Labora-	
Skipworth, H. A-----	20160	tory-----	20157
Brander's No. 7:		female tablets:	
Haley, M. O., Co., Inc-----	20171	Thall, David-----	20157
Crema:		Thall's Home Remedy Labora-	
Scientific Products Labora-		tory-----	20157
tories-----	20158	tonic:	
Ergot ampuls:		Thall, David-----	20157
Beringer, Geo. M., Inc-----	20174	Thall's Home Remedy Labora-	
Febritabs:		tory-----	20157
Rorer, William H., Inc-----	20154	kidney tonic:	
Granger liver regulator:		Thall, David-----	20157
Estorze Drug Co-----	20155	Thall's Home Remedy Labora-	
Granger Medicine Co-----	20155	tory-----	20157
Hutchison's Big Head Liniment:		la grippe tablets:	
Hutchison Medicine Co-----	20159	Thall, David-----	20157
Magic oil:		Thall's Home Remedy Labora-	
Hutchison Medicine Co-----	20159	tory-----	20157
Indian New Discovery:		lung tonic:	
Justice Drug Co-----	20151	Thall, David-----	20157
Lambert's powders:		Thall's Home Remedy Labora-	
Lambert's, Inc. (Labora-		tory-----	20157
tories)-----	20161	nerve syrup:	
Lippincott's One Night roup remedy:		Thall, David-----	20157
Lippincott, J. W-----	20156	Thall's Home Remedy Labora-	
Nitroglycerin compound tablets:		tory-----	20157
Studebaker, L. H-----	20167	rheumatic tablets:	
Pancreas compound capsules:		Thall, David-----	20157
Berlinger, Geo. M., Inc-----	20174	Thall's Home Remedy Labora-	
Sal Vet worm destroyer conditioner		tory-----	20157
tonic:		Vitalizing tablets:	
Sal-Vet Products Co-----	20170	Parker Medicine Co-----	20173
Scarlet Red salve:		W.H.D. special medicine:	
Heilkraft Medical Co-----	20165	W.H.D. Special Mfg. Co-----	20175
Sinapole ointment:		stomach medicine:	
Sinapole Co-----	20164	W.H.D. Special Mfg. Co-----	20175
Sodium phenobarbital tablets:		Williams', D., No. 101 tonic:	
American Pharmaceutical Co-----	20169	Interstate Drug Co-----	20162
Special Formula No. 8067:			
Rorer, William H., Inc-----	20154		

¹ Contains a decision of the court.

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

LIBRARY
RECEIVED
★ NOV 13 1933 ★
U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20176-20350

[Approved by the Acting Secretary of Agriculture, Washington, D.C., October 18, 1933]

20176. Adulteration of butter. U.S. v. 43 Cubes, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 28073, 29074. Sample nos. 14501-A, 14504-A, 25102-A.)

These actions involved the interstate shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 7 and September 20, 1932, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 63 cubes of butter, remaining in the original unbroken packages in part at Oakland, Calif., and in part at San Francisco, Calif., consigned by the Wilcox Produce, Inc., Portland, Oreg. It was alleged in the libels that the article had been shipped in interstate commerce from Portland, Oreg., the former lot on or about August 25, 1932, and the latter on or about September 10, 1932, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 17 and September 29, 1932, the Wilcox Produce, Inc., Portland, Oreg., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$1,150, conditioned that it be made to conform to the provisions of the Federal Food and Drugs Act, under the supervision of this Department. It was further ordered that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20177. Adulteration of canned asparagus; and misbranding of canned hominy, canned corn, canned pumpkin, canned asparagus, and canned green beans. U.S. v. 12 Cases of Canned Hominy, et al. Decrees of condemnation entered. Four cases of canned asparagus destroyed. Remaining product released under bond to be relabeled. (F. & D. nos. 28510, 28511, 28512, 28532, 28586, 28740, 28863. Sample nos. 2226-A, 2234-A, 2387-A, 2388-A, 2398-A, 2399-A, 2400-A.)

These actions involved various shipments of canned vegetables which were found to be short weight. One shipment, consisting of four cases of canned asparagus, was also found to be partially decomposed.

On July 26, July 27, August 4, August 5, August 19, and September 10, 1932, the United States attorney for the District of New Mexico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 12 cases of canned hominy, 25 cases of canned corn, and 13 cases of canned asparagus at Las Vegas, N.Mex., 4 cases of canned asparagus and 11 cases of canned pumpkin at Albuquerque, N.Mex., 36 cases of canned hominy at Roswell, N.Mex., and 13 cases of canned green beans at Carlsbad, N.Mex. It was alleged in the libels that the articles had been shipped in interstate commerce in various consignments between November 25, 1931 and June 9, 1932, by the

Marshall Canning Co., from Marshalltown, Iowa, into the State of New Mexico, that they remained unsold in the original packages, and that they were misbranded in violation of the Food and Drugs Act as amended and that four cases of asparagus were also adulterated. The articles were labeled as follows: (Cans) "Marshall Hominy Contents 1 Lb."; "Marshall Sugar Corn Contents 1 Lb."; "Le Grande Brand Pumpkin Contents 1 Lb."; "Marshall Cut Fancy Green Asparagus Contents 1 Lb."; "Uncle William Hominy Contents 1 Lb. Marshall Canning Co. * * * Marshalltown, Iowa"; and "Le Grande Brand Cut Stringless Green Beans Contents 6 Lb. 12 Oz. Marshall Canning Co. * * * Marshalltown, Iowa."

Adulteration of the four cases of asparagus at Albuquerque was alleged for the reason that the article consisted in part of a decomposed vegetable substance unfit for human consumption.

Misbranding of all articles was alleged for the reason that the statements, "Contents 1 Lb." or "Contents 6 Lb. 12 Oz.", borne on the labels, were false and misleading and deceived and misled the purchaser, since the cans were short weight. Misbranding was alleged for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated on the labels was incorrect.

On September 10, 1932, no claimant having appeared for the said four cases of asparagus, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

The Marshall Canning Co., Marshalltown, Iowa, filed answers in the remaining cases, admitting the material allegations of the libels, and praying release of the products for the purpose of relabeling or salvaging them. On September 10, 1932 and January 23, 1933, judgments of condemnation were entered and it was ordered by the court that the said products be released to the claimant upon payment of costs and the execution of bonds totaling \$1,200, conditioned in part that they should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws. It was further ordered that any relabeling or salvaging required to bring the articles into compliance with the law be done under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20178. Adulteration of canned sauerkraut; misbranding of canned hominy and canned red kidney beans. U. S. v. 69 Cases of Canned Hominy, et al. Decrees of condemnation entered. Canned sauerkraut destroyed. Remaining products released under bond to be relabeled. (F. & D. nos. 28571, 28860, 28861, 28864. Sample nos. 2164-A, 2171-A, 2172-A, 2413-A.)

These actions involved quantities of canned hominy and canned red kidney beans which were short weight, and a quantity of canned asparagus which was unsterile and decomposed.

On August 3, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 69 cases of canned hominy at Alpine, Tex. On September 14, 1932, the United States attorney for the District of Wyoming filed libels against 25 cases of canned red kidney beans at Casper, Wyo., and 39 cases of canned sauerkraut and 25 cases of canned hominy at Sheridan, Wyo. It was alleged in the libels that the articles had been shipped in interstate commerce by the Marshall Canning Co., from Marshalltown, Iowa; that 69 cases of canned hominy had been shipped to Alpine, Tex., on or about March 17, 1932; that the canned sauerkraut and 25 cases of canned hominy had been shipped to Sheridan, Wyo., on or about March 4, 1930, and March 4, 1932, respectively; and that the canned red kidney beans had been shipped to Casper, Wyo., on or about July 2, 1932. It was further alleged in the libels that the canned sauerkraut was adulterated in violation of the Food and Drugs Act, and that the remaining products were misbranded in violation of the said act as amended. The articles were labeled in part: "Uncle William Improved Red Kidney Beans Contents 1 Lb. Marshall Canning Co. * * * Marshalltown, Iowa"; "Uncle William Sauerkraut"; "Uncle William Brand Hominy Contents One Lb. 2 Oz."; "Uncle William Hominy Contents 1 Lb."

Adulteration of the canned sauerkraut was alleged in the libel for the reason that it was composed in whole or in part of a decomposed and putrid vegetable substance unfit for human consumption.

Misbranding of the remaining products was alleged for the reason that the statements, "Contents 1 Lb." and "1 lb. 2 oz.", borne on the labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than so labeled. Misbranding was alleged for the further reason that the articles were foods in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the quantities stated were incorrect.

On October 28, 1932, no claim having been interposed for the canned sauerkraut, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

The Marshall Canning Co., Marshalltown, Iowa, filed answers in the remaining cases, admitting the material allegations of the libels, and praying release of the products for the purpose of relabeling or salvaging them. On December 17, 1932, January 10, 1933, and February 6, 1933, judgments of condemnation were entered and it was ordered by the court that the said products be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that they should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws. It was further ordered that any relabeling or salvaging required to bring the articles into compliance with the law be done under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20179. Misbranding of canned asparagus. U.S. v. 9 Cases, et al., of Fancy Green Asparagus. Default decree of forfeiture and sale. (F. & D. no. 28862. Sample nos. 2174-A, 2175-A.)

This case involved the shipment of quantities of canned asparagus, sample cans of which were found to contain less than 1 pound, the weight declared on the label.

On or about September 14, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 cases of canned asparagus at Billings, Mont., alleging that the article had been shipped in interstate commerce, in part on or about December 17, 1930, and in part on or about June 16, 1931, by the Marshall Canning Co., from Marshalltown, Iowa, to Billings, Mont., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Cuts Uncle William Fancy Green Asparagus [or "Marshall Cut Fancy Green Asparagus"] Contents 1 Lb. Marshall Canning Co., Marshalltown, Iowa."

It was alleged in the libel that the article was misbranded in that the label bore a statement representing that the cans contained 1 pound, which statement was false and misleading and deceived and misled the purchaser, since the cans contained less than 1 pound. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 11, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the United States marshal remove the statement of net contents from the label and sell the goods to the highest bidder.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20180. Adulteration of crab meat. U.S. v. 80 Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28870, 28872. Sample nos. 22307-A, 22313-A.)

These actions involved the interstate shipment of quantities of crab meat which was found to contain filth.

On September 6, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 95 cans of crab meat, remaining in the original and unbroken packages at New York City, N.Y., alleging that the article had been shipped in interstate commerce in part on or about August 30, 1932, and in part on or about September 1, 1932, by E. L. Watkins, from Hampton, Va., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 23, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20181. Adulteration of butter. U.S. v. 57 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28888. Sample no. 12270-A.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 19, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 57 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1932, by Pettibone Creamery Co., Pettibone, N.Dak., from Duluth, Minn., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Joseph J. Herold, New York, N.Y., interposed a claim for the property as agent for the Pettibone Creamery Co., Pettibone, N.Dak., and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On September 12, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20182. Adulteration of butter. U.S. v. 60 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28906. Sample nos. 12361-A, 12362-A, 12363-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On August 29, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 19, 1932, by David Cole Creamery Co., from Omaha, Nebr., to New York City, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

Courtney L. Poole, New York, N.Y., interposed a claim for the property as agent for the David Cole Creamery Co., Omaha, Nebr., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On September 1, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20183. Adulteration of caraway seed. U.S. v. 1½ Bags of Caraway Seed. Decree of condemnation and destruction. (F. & D. no. 28734. Sample no. 8934-A.)

This action involved the interstate shipment of a quantity of caraway seed which was found to contain rodent excreta.

On August 22, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one and one half bags of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on or about July 30, 1932, by Habicht Braun Co., from New York City, N.Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20184. Adulteration and misbranding of rye flour. U.S. v. 294 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 28878. Sample no. 10880-A.)

This action involved the shipment of a quantity of rye flour which had been bleached and which was not properly labeled to indicate that it was bleached flour.

On September 14, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 294 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about August 13, 1932, by the Christian Mills, Inc., from Hastings, Minn., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Christian's Pure White Rye Flour Christian Mills * * * Minneapolis, Minn."

It was alleged in the libel that the article was adulterated in that a substance, artificially bleached rye flour, had been substituted for white rye flour.

Misbranding was alleged for the reason that the statement on the label, "Pure White Rye Flour", was false and misleading and deceived and misled purchasers, when applied to an artificially bleached flour. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

A claim was interposed for the property through J. A. Lenhardt, Inc., agent for claimant, who admitted the allegations of the libel and consented to the entry of a decree. On September 28, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be conspicuously labeled, "Bleached with Chlorine", and should not be disposed of except in compliance with the law, State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20185. Adulteration and misbranding of shelled peanuts. U.S. v. 275 Bags of Shelled Peanuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28824. Sample no. 15226-A.)

This action involved a quantity of shelled peanuts which were found to be in part insect infested and worm eaten; no declaration of quantity of contents appeared on the label.

On August 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 bags of shelled peanuts, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about June 25, 1932, by the Planters Nut & Chocolate Co., from Suffolk, Va., to Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy or putrid vegetable substance.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1932, the Pacific Food Products Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. In supervising the reconditioning of the product, this Department required the separation and destruction of the wormy and insect-infested nuts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20186. Adulteration of canned salmon. U.S. v. Superior Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 27552. I. S. no. 22330.)

This action was based on the shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On March 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Superior Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 28, 1931, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated. The article was labeled in part: (Cases) "Alaska Brand Salmon * * * Eat-More Salmon."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On October 13, 1932, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20187. Adulteration and misbranding of butter. U.S. v. 90 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29061. Sample no. 16685-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On September 23, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about September 12, 1932, by Jefferson Creamery, from Ashburn, Ga., to Jacksonville, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Land O'Sunshine Butter, * * * Jefferson Creamery, Ashburn, Georgia."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 percent by weight of milk fat as required by act of March 4, 1923.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statement "Butter", appearing on the label, was false and misleading and deceived and misled the purchaser, since the product contained less than 80 percent by weight of milk fat.

On September 29, 1932, the Jefferson Creamery, Ashburn, Ga., claimant, having admitted the allegations of the libel and having consented to the entry

of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the milk fat content be brought up to at least 80 percent, and that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act or the laws of any State.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20188. Adulteration of currants. U.S. v. 7 Crates of Currants. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28884. Sample no. 5213-A.)

This action involved the interstate shipment of a quantity of currants which were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On July 18, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven crates of currants at Chicago, Ill., alleging that the article had been shipped July 13, 1932, by Joe Seymour, through Northern Fruit Co., from Ludington, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20189. Adulteration of butter. U.S. v. 67 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28887. Sample no. 12268-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 18, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 67 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by the Almena Creamery, from Almena, Wis., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

Hunter Walton & Co., New York, N.Y., interposed a claim for the property as agent for the Almena Creamery Co., Almena, Wis., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the butter be reworked so that it contain at least 80 percent of butterfat. On August 31, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,700, conditioned that it be reworked under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20190. Adulteration of blueberries. U.S. v. 14 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28837. Sample no. 12430-A.)

This action involved the shipment of a quantity of blueberries which were found to contain maggots.

On September 1, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 crates of blueberries, remaining in the original

and unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 29, 1932, by J. R. Higgins, from Dennysville, Maine, to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20191. Adulteration of butter. U.S. v. 3 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 28844. Sample no. 12261-A.)

This action involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 13, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1932, by Apple River & Beaver Creamery Co., Range, Wis., through Amery Cooperative Creamery Association, Amery, Wis., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 23, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be delivered to a charitable institution for consumption and not for sale.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20192. Adulteration and misbranding of tomato paste. U.S. v. 37 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 28835. Sample no. 16784-A.)

This action involved the shipment of a quantity of tomato paste, a portion of which was found to be artificially colored.

On August 31, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 cases of tomato paste, remaining in the original and unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce, in part on or about December 31, 1931, and in part on or about February 24, 1932, by John S. Mitchell, Inc., from Windfall, Ind., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Regal Brand Pure Tomato Paste Distributed by John S. Mitchell, Inc., Windfall, Ind."

It was alleged in the libel that the article was adulterated in that artificially colored tomato paste had been substituted in part for the product.

Misbranding was alleged for the reason that the statement "Tomato Paste" was false and misleading and deceived and misled the purchaser, when applied to tomato paste containing an undeclared artificial color. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article.

On September 24, 1932, John S. Mitchell, Inc., Windfall, Ind., claimant, having filed an answer confessing the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20193. Adulteration of pears. U.S. v. 532 Boxes of Pears. Product ordered released under bond for removal of spray residue. (F. & D. no. 28935. Sample no. 12429-A.)

This action involved the interstate shipment of a quantity of pears which were found to bear arsenic and lead spray residue.

On September 1, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 532 boxes of pears. It was alleged in the libel that the article had been shipped in interstate commerce on or about August 18, 1932, by Lambert Marketing Co., from Tehachapi, Calif., consigned to itself at New York, N.Y., that it remained in the original unbroken packages in storage at Jersey City, N.J., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Tejon Tehachapi Bartletts * * * Packed by Lambert Marketing Co., * * * Sacramento, Cal."

Adulteration of the article was alleged in the libel for the reason that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article harmful to health.

On September 6, 1932, the Lambert Marketing Co., Inc., Sacramento, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the property, judgment was entered by the court ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that all pears found to bear excessive arsenic and lead spray residue be cleaned, and that the article should not be sold or disposed of until inspected by this Department and found to comply with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20194. Adulteration and misbranding of butter. U.S. v. 35 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28903. Sample no. 4667-A.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On or about August 23, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 tubs of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 15, 1932, by the Strawberry Point Farmers Creamery Association, from Strawberry Point, Iowa, to Detroit, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 22, 1932, the Strawberry Point Farmers Creamery Association, Strawberry Point, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be reworked so as to comply with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20195. Adulteration of butter. U.S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28886. Sample no. 12263-A.)

This case involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 18, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying

seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1932, by American Stores Co., from Philadelphia, Pa., to New York City, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

The Merchants Refrigerating Co., New York, N.Y., interposed a claim as agent for Coyne & Nevins Co., owner, and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On September 21, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20196. Adulteration of bluefin herring. U.S. v. 3 Boxes of Bluefin Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28900. Sample no. 4543-A.)

This action involved the shipment of a quantity of bluefin herring that was infested with parasitic worms.

On August 15, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of bluefin herring at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by R. Ege, from Two Harbors, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and for the further reason that it consisted of portions of animals unfit for food.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20197. Adulteration and misbranding of butter. U.S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28899. Sample no. 3572-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 22, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1932, by Producers Creamery Co., from Clinton, Mo., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 1, 1932, Land O'Lakes Creameries, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for

reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20198. Adulteration and misbranding of flour, middlings, and middlings with screenings; and misbranding of corn meal. U.S. v. The Gwinn Milling Co. Plea of guilty. Fine, \$330. (F. & D. no. 28067. I. S. nos. 16076, 16077, 18567, 18568, 26351, 26366, 26367, 26374, 26484, 26488, 26489, 26496, 26497, 26499, 28322, 28323, 28324, 28351.)

This action was based on the interstate shipment of quantities of a product sold as wheat flour, which was found to consist partly of rye flour, and certain shipments of which also were found to contain undeclared added phosphate; of a quantity of wheat middlings and wheat middlings with screenings that were found to consist in large part of rye middlings; and of quantities of corn meal that was short weight.

On September 21, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Gwinn Milling Co., a corporation, Columbus, Ohio, alleging shipment in interstate commerce of quantities of flour, middlings, and wheat middlings with screenings that were adulterated and misbranded in violation of the Food and Drugs Act; and of quantities of corn meal that was misbranded in violation of the said act as amended. The information charged that between the dates of March 21, 1931, and April 21, 1931, the defendant company had shipped from the State of Ohio into the States of Virginia, Pennsylvania, Indiana, West Virginia, and Kentucky quantities of flour that was adulterated and misbranded; that on or about March 9 and April 22, 1931, said defendant had shipped from the State of Ohio into the State of Maryland quantities of middlings and wheat middlings with screenings that were adulterated and misbranded; and that on or about April 27 and May 5, 1931, said defendant had shipped from the State of Ohio into the State of Kentucky quantities of corn meal that was misbranded. The articles were labeled in part, variously: "Superlative Best Patent Silver Leaf Flour Manufactured by the Gwinn Milling Co., Columbus, Ohio"; "Standard Midds."; "Standard Wheat Middlings with Screenings not exceeding mill run"; "Clover Farm Brand Pastry Flour * * * Distributed By Clover Farm Stores * * * Cleveland Ohio"; "Merret Brand Soft Wheat Flour * * * The Eavey Co. Xenia Ohio"; "Golden-Dawn Family Flour The Yellow Front Stores Whitesburg, Ky. Distributors"; "Log Cabin Flour Manufactured By The Gwinn Milling Co. Columbus O."; "Kansas Rose Flour Short Patent The Gwinn Milling Co. Columbus Ohio"; "10 Lbs. Net [or "25 Lbs. Net"] * * * Fancy Table Gwinn's White Corn Meal * * * Manufactured Only By The Gwinn Milling Co. Columbus Ohio."

Adulteration of the flour was alleged for the reason that a product which contained rye flour and which also contained in certain of the shipments added phosphate, had been substituted for wheat flour, which the article purported to be. Adulteration of the middlings and wheat middlings with screenings was alleged for the reason that a product composed in large part of rye middlings had been substituted for the said articles.

Misbranding was alleged with respect to the flour, middlings, and wheat middlings with screenings, for the reason that the statements, "Flour", "Wheat Flour", "Standard Midds", and "Standard Wheat Middlings with Screenings not exceeding Mill Run", borne on the sacks containing the articles, were false and misleading and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the labels represented that the articles consisted wholly of wheat flour, wheat middlings, or wheat middlings with screenings; whereas the flour consisted in part of rye flour, and portions contained added undeclared phosphate, the said middlings consisted in large part of rye middlings, and the said wheat middlings with screenings consisted in large part of a rye product. Misbranding of the corn meal was alleged for the reason that the statements, "10 Lbs. Net" or "25 Lbs. Net", borne on the labels, were false and misleading and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the sacks contained less than so labeled. Misbranding of the corn meal was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously

marked on the outside of the package, since the statement of weight appearing on the label was incorrect.

On October 22, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$330.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20199. Adulteration and misbranding of butter. U.S. v. 121 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond for reworking. (F. & D. nos. 28902, 28987. Sample nos. 4662-A, 4666-A.)

These actions involved the interstate shipments of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 18, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 202 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about August 8, 1932, and in part on or about August 15, 1932, by the Emerald Cooperative Creamery Assn., from Emerald, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On August 25, 1932, the Emerald Cooperative Creamery, Emerald, Wis., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of bonds in the total sum of \$3,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20200. Adulteration and misbranding of butter. U.S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28898. Sample no. 3570-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 16, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 tubs of butter remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 27, 1932, by Kimball Creamery Co., from Kimball, Nebr., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 1, 1932, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs

and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20201. Adulteration of pears. U.S. v. 532 Boxes of Bartlett Pears, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 28933, 28934, 29065, 29066, 29067. Sample nos. 4814-A, 4815-A, 4816-A, 4817-A, 4818-A.)

These actions involved several carloads of pears that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On or about September 2, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid five libels praying seizure and condemnation of a total of 2,660 boxes of pears at Chicago, Ill., alleging that the article had been shipped by the Lambert Marketing Co. from Tehachapi, Calif., in various shipments on or about August 22, August 24, and August 25, 1932, and had been transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Tejon Brand Tehachapi Bartletts * * * Lambert Marketing Co. * * * California." The remainder was labeled in part: "Lambert Marketing Co. * * * T-hacha-P Brand * * * California Mountain Bartletts Tehachapi Fruit Growers Assn. Tehachapi, California."

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

The Lambert Marketing Co., Sacramento, Calif., having entered an appearance as claimant and having admitted the allegations of the libel and consented to the entry of a decree, the five cases were consolidated into one cause of action. On September 7, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$13,000, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20202. Misbranding of cottonseed cake and meal. U.S. v. Independent Cotton Oil Co. of Wagoner. Plea of guilty. Fine, \$50. (F. & D. no. 27419. I.S. nos. 18318, 18319.)

This action was based on the interstate shipment of quantities of cottonseed cake and meal, sample sacks of which were found to contain less than 100 pounds, the weight declared on the label.

On January 4, 1932, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Independent Cotton Oil Co. of Wagoner, a corporation, Wagoner, Okla., alleging shipment by said company, in violation of the Food and Drugs Act as amended, in part on or about October 31, 1930, and in part on or about December 27, 1930, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed cake and meal that was misbranded. The article was labeled in part: (Sack tag) "100 Pounds Net Weight Cotton Seed Cake and Meal * * * Manufactured by Independent Cotton Oil Co. of Wagoner * * * Oklahoma."

It was alleged in the information that the article was misbranded in that the statement "100 Pounds Net Weight" was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the sacks contained less than 100 pounds. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package, since the statement made was incorrect.

On November 10, 1932, the defendant company entered a plea of guilty to each count of the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20203. Adulteration of canned oysters. U.S. v. E. A. Smith Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 26661. I.S. no. 24951.)

This action was based on the shipment of a quantity of oysters that were found to contain added water.

On October 21, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the E. A. Smith Corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 18, 1931, from the State of Maryland into the State of North Dakota, of a quantity of oysters that were adulterated. The article was labeled in part: (Box) "E. A. Smith & Company Smith's Baltimore Oysters."

It was alleged in the information that the article was adulterated in that an added substance, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and had been substituted in part for the said article.

On October 21, 1932, a plea of guilty to the information was entered on behalf of the defendant, and the court imposed a fine of \$25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20204. Misbranding of prepared mustard and cider vinegar. U.S. v. Benjamin W. Kaplan (National Grocers Sundries Co.). Plea of guilty. Fine, \$50. (F. & D. no. 27504. I.S. nos. 25016, 25460.)

This action was based on the shipment of a quantity of prepared mustard and cider vinegar, samples of each of which were found to be short of the declared weight.

On February 27, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Benjamin W. Kaplan, trading as National Grocers Sundries Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, in part on or about March 11 and May 1, 1931, from the State of Missouri into the State of Illinois, of quantities of prepared mustard and of cider vinegar, respectively, which were misbranded. The articles were labeled in part: (Jars) "Watermill Brand Pure Prepared Mustard Net Contents 15 Oz. Packed for Hy. Borgsmiller & Sons Murphysboro, Ill."; (bottles) "Jockey Club Brand Net Wt. 13 Oz. Reduced Cider Vinegar * * * Packed by National Gro. Sun'd. Co. St. Louis, Mo."

It was alleged in the information that the articles were misbranded in that the statements, "Net Contents 15 Oz.", and "Net Wt. 13 Oz.", borne on the respective labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the jars and bottles contained less than represented.

On October 27, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20205. Adulteration of canned salmon. U.S. v. Altoona Packing Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 27553. I.S. nos. 12618, 22960, 22961, 22963.)

This action was based on the interstate shipment of quantities of canned salmon, samples of which were found to be tainted or stale.

On June 28, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Altoona Packing Co., a corporation, Altoona, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, in part on or about September 12, 1931, and in part on or about October 2, 1931, from the State of Washington into the State of Oregon, of quantities of canned salmon that was adulterated. A portion of the article was labeled in part: "Altoona Brand Salmon * * * Packed by Altoona Packing Company, Altoona, Wash. Selected Fancy Columbia River Spring Chinook Salmon." The remainder of the article was labeled in part: "Odiva Fancy Columbia River Salmon * * * Packed by Altoona Packing Co. Altoona, Wash."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On October 24, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20206. Adulteration of canned salmon. U.S. v. Robert John Peratovich (Bayview Packing Co.). Plea of guilty. Fine, \$50. (F. & D. no. 27546. I.S. nos. 22352, 22354, 22355.)

This action was based on shipments of canned salmon, samples of which were found to be tainted or stale.

On July 11, 1932, the United States attorney for the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Robert John Peratovich, trading as Bayview Packing Co., at Klawock, Territory of Alaska, alleging shipment by said defendant, in violation of the Food and Drugs Act, in part on or about August 16, 1931, and in part on or about August 24, 1931, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On October 4, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20207. Adulteration and misbranding of shipstuff with screenings. U.S. v. Shenandoah Milling Co., Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 25734. I.S. no. 3978.)

This action was based on the interstate shipment of a quantity of feed described as shipstuff with screenings, which contained less protein and fat than labeled. The net weight of the article was not properly declared on the label.

On June 1, 1931, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Shenandoah Milling Co., Inc., a corporation, Shenandoah, Va., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about September 26, 1930, from the State of Virginia into the State of North Carolina, of a quantity of the said shipstuff with screenings that was adulterated and misbranded. The article was labeled in part: (Tag) "100 Lbs. Net Weight When Packed Shipstuff With Screenings Not Exceeding Mill Run Crude Protein 16.00 per ct. Crude Fat 4.00 per ct. * * * Manufactured by Shenandoah Milling Company, Inc., Shenandoah, Virginia."

It was alleged in the information that the article was adulterated in that a feeding substance, shipstuff and screenings containing less than 16 percent of crude protein and less than 4 percent of crude fat, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, "Crude Protein 16.00 per ct." and "Crude Fat 4.00 per ct.", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser; since it contained less than 16 percent of crude protein and less than 4 percent of crude fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "100 Lbs. Net Weight When Packed", appearing on the tag, was not a statement of the quantity of the contents of each of the respective sacks, but was a statement having reference to a former time, namely, when the article was packed.

On October 31, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20208. Misbranding of middlings and screenings. U.S. v. Gwinn Milling Co. Plea of guilty. Fine, \$170. (F. & D. no. 26653. I.S. nos. 18353, 18354, 18355, 18361.)

This action was based on the shipment of quantities of a product represented to be wheat middlings with screenings containing 16 percent of protein. Samples taken from each shipment were found to contain an undeclared corn product, and to have a protein content of less than 16 percent.

On September 10, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Gwinn Milling Co., a corporation, Columbus, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments on or about September 2, September 17, and November 15, 1930, from the State of Ohio into the State of Kentucky, of quantities of middlings and screenings that were misbranded. The article was labeled in part: (Tag) "Gwinn's Middlings & Screenings Made by Gwinn Milling Co., Columbus, O. Guaranteed Analysis Protein 16.00 Per Cent * * * Made from: Wheat Middlings, Ground Wheat Screenings 2%."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis Protein 16.00 Per Cent * * * Made from Wheat Middlings, Ground Wheat Screenings, 2%," borne on the tag, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article contained 16 percent of protein and consisted wholly of a wheat product, whereas it contained less than 16 percent of protein, and consisted in part of a corn product.

On October 22, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$170.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20209. Adulteration and misbranding of marjoram. U.S. v. 2 Bags of Marjoram. Consent decree of destruction entered. (F. & D. no. 23984. I.S. no. 27872. S. no. 4235.)

This action involved a quantity of marjoram which was found to contain earthy material.

On March 5, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two bags of marjoram, remaining in the original unbroken packages at Camden, N.J., alleging that the article had been shipped in interstate commerce on or about February 3, 1931, by the Knickerbocker Mills, from New York, N.Y., to Camden, N.J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that earthy material had been mixed and packed with and substituted in part for marjoram, which the article purported to be.

Misbranding was alleged for the reason that the article had been offered for sale under the distinctive name of another article.

On October 26, 1932, the owner of the goods, the Knickerbocker Mills Co., being desirous of surrendering the product for destruction, judgment was entered ordering that it be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20210. Adulteration of canned salmon. U.S. v. 6,726 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. nos. 28948, 28961, 28981, 28982. Sample nos. 14841-A, 15095-A, 15096-A, 25555-A, 25558-A, 25562-A, 25564-A, 25851-A, 26037-A, 26068-A, 26079-A.)

These actions involved the interstate shipment of quantities of canned salmon which was found to be in part decomposed.

On September 21, October 4, and October 5, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11,537 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Demmert Packing Co., from Klawock, Alaska, in various consignments, on or about August 28, September 7, and September 12, 1932, respectively, and had been transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libels with respect to portions of the article for the reason that it consisted in whole or in part of a decomposed animal substance. Adulteration was alleged with respect to the remainder of the

product for the reason that it consisted in whole or in part of a decomposed and putrid animal substance.

Charles W. Demmert, Emma F. Demmert, and George Demmert, copartners trading as the Demmert Packing Co., entered appearances as claimants for the product and filed answers admitting the allegations of the libels and consenting to the entry of decrees. On September 27 and October 13, 1932, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of bonds totaling \$5,500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws, and further conditioned that it be sorted to separate the cans containing adulterated salmon from those containing good salmon, and that the unfit portion be destroyed in the process of separation.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20211. Adulteration and misbranding of butter. U.S. v. 33 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28967. Sample no. 16452-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On September 15, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 33 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about September 6, 1932, alleging that the article had been shipped in interstate commerce by the Borden Produce Co., Inc., from Omaha, Nebr., to Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, "Butter."

On September 21, 1932, the Borden Produce Co., Inc., Omaha, Nebr., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of cash collateral in the sum of \$400, as security that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. It was further ordered that the product should not be disposed of as butter, but should be used in the manufacture of other food products.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20212. Adulteration of pears. U.S. v. 532 Boxes of Pears. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. no. 28988. Sample no. 8939-A.)

This action involved the interstate shipment of a quantity of pears that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On September 10, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 532 boxes of pears, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 15, 1932, by the Lambert Marketing Co., from Tehachapi, Calif., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tejon Brand Tehachapi Bartlett's Packed by Lambert Marketing Co. Main Office Sacramento, Calif."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On September 14, 1932, the Lambert Marketing Co., Sacramento, Calif., claimant, having admitted the allegations of the libel and having consented to

the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the pears be released to the claimant upon the filing of a bond in the sum of \$1,000. On September 28, 1932, the product having been reconditioned by removing the arsenic and lead spray residue, final order was entered releasing the goods and exonerating the bond.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20213. Adulteration and misbranding of butter. U.S. v. 63 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28956. Sample no. 4671-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 25, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 63 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 14, 1932, by Rock County Creamery Co., from Bassett, Nebr., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 20, 1932, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20214. Adulteration of canned salmon. U.S. v. Wrangell Packing Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 26590. I.S. no. 1076.)

This action was based on the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On August 24, 1931, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Wrangell Packing Corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 18, 1930, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On October 17, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20215. Misbranding of canned rhubarb. U.S. v. Ivans Pettit. Plea of guilty. Fine, \$50. (F. & D. no. 26648. I.S. nos. 16527, 16528.)

This action was based on the interstate shipment of a quantity of canned rhubarb, sample cans of which were found to contain materially less than 1 gallon, the declared volume.

On June 28, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against

Ivans Pettit, Burlington, N.J., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 15, 1930, from the State of New Jersey into the State of Maryland, of a quantity of canned rhubarb which was misbranded. The article was labeled in part: (Can) "Burlington Brand Rhubarb in Syrup Contents 1 Gallon Packed by Ivans Pettit, Burlington, N.J."

It was alleged in the information that the article was misbranded in that the statement "Contents 1 Gallon", borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 6, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20216. Adulteration of tomato sauce. U.S. v. Scaramelli & Co., Inc. Plea of nolo contendere. Fine, \$200. (F. & D. no. 27506. I.S. no. 17256.)

This action was based on the interstate shipment of a quantity of tomato sauce, samples of which were found to contain excessive mold.

On January 25, 1932, the United States attorney for the District of Maryland acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Scaramelli & Co., Inc., Centerville, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 20, 1930, from the State of Maryland into the State of Michigan, of a quantity of tomato sauce which was adulterated. The article was labeled in part: (Can) "Paesana Brand Salsa di Pomodoro * * * Tomato Sauce Guaranteed to Comply with all Pure Food Laws Packed by Paesana Packing Co. New York."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a decomposed vegetable substance.

On October 5, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20217. Misbranding of vinegar. U.S. v. The Whitehead-Kiesel Co. Jury trial waived. Stipulation admitting misbranding filed. Judgment of guilty. Fine, \$100. (F. & D. no. 26557. I.S. nos. 6050, 7051.)

This action was based on the interstate shipment of 61 barrels of vinegar which were found, upon examination, to contain less than the volume declared on the label, 52 gallons.

On August 6, 1931, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Whitehead-Kiesel Co., a corporation, Louisville, Ky., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 6, 1930, from the State of Kentucky into the State of Indiana, of a quantity of vinegar that was misbranded. The article was labeled in part: "Whitehead-Kiesel Co. Down Home Brand * * * Vinegar Louisville, Ky., 52 Gal. Net Contents."

It was alleged in the information that the article was misbranded in that the statement, "52 Gal. Net Contents," borne on the barrels, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the barrels contained less than 52 gallons of the said article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 14, 1932, a jury having been waived, the defendant filed a stipulation admitting the material charges of the information, and the court pronounced judgment from the bench and imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20218. Adulteration and misbranding of coffee. U.S. v. 22 Bags, et al., of Coffee. Default decree of forfeiture and destruction. (F. & D. no. 24169. I.S. nos. 020456, 020457. S. no. 2391.)

This action involved the shipment of a quantity of coffee which was found to consist largely of coffee chaff.

On October 23, 1929, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bags, each containing 50 pounds, and 47 cases, each containing twenty-four 1-pound bags, of coffee, remaining in the original unbroken packages at Texarkana, Ark., alleging that the article had been shipped in interstate commerce in part on August 29, 1929, and in part on September 7, 1929, by the Maury-Cole Co., from Memphis, Tenn., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Bags) "Steel Cut Ground Maury-Cole Co., Inc., * * * Sunrise Brand Roasted Coffee, Memphis, Dallas, Louisville." The remainder of the said article was labeled in part: (Bags) "Steel Cut Ground Tiger Brand * * * Coffee Roasted and Packed by Maury-Cole Co."; (seal) "This seal is a guarantee of purity."

It was alleged in the libel that the article was adulterated in that coffee chaff had been mixed with the said article.

Misbranding was alleged for the reason that the statements, "Steel cut ground coffee," and "This seal is a guarantee of purity" (with respect to a portion) were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 15, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, Acting Secretary of Agriculture.

20219. Misbranding of marmalade, apple butter, jam, and preserves. U.S. v. 28 Cases of Orange Marmalade, et al. Consent decree of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. no. 28823. Sample nos. 6326-A-6330-A. incl., 6332-A-6335-A, incl.)

This action involved quantities of marmalade, apple butter, jam, and various fruit preserves, sample jars of which were found to contain less than the declared weight.

On August 29, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 cases of orange marmalade, 9 cases of apple butter, 49 cases of grape jam, and 210 cases of raspberry, pineapple, apricot, and peach preserves, remaining in the original unbroken packages at Omaha, Nebr., alleging that the articles had been shipped in interstate commerce on or about February 19, 1932, by Pantry Maide Products Co., from Westfield, N.Y., to Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were all labeled "Pantry Maide", and were further labeled, variously: "Pure Orange Marmalade, Net Wt. 12 Oz."; "Pure Apple Butter, Net Wt. 15 Oz."; "Pure Grape Jam, Net Wt. 12 Oz."; "Pure Raspberry Preserves, Net Wt. 12 Oz."; "Pure Strawberry Preserves, Net Wt. 1 Lb."; "Pure Raspberry Preserves, Net Wt. 1 Lb."; "Pure Pineapple Preserves, Net Wt. 12 Oz."; "Pure Apricot Preserves, Net Wt. 12 Oz."; "Pure Peach Preserves, Net Wt. 12 Oz."

It was alleged in the libel that the articles were misbranded in that the statements of weight appearing on the labels, namely, "Net Wt. 12 Oz.", "Net Wt. 15 Oz.", and "Net Wt. 1 Lb.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were incorrect.

On September 15, 1932, the Pantry Maide Products Co., Inc., Westfield, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of

\$2,000, conditioned that they be relabeled under the supervision of this Department, so as to bring them into compliance with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20220. Adulteration of shell eggs. U.S. v. 375 Cases, et al., of Shell Eggs. Consent decree of destruction entered. (F. & D. no. 28696. Sample nos. 10321-A, 12026-A.)

This action involved interstate shipments of a quantity of shell eggs which were found to contain an excessive amount of decomposed eggs.

On July 18, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 397 cases of shell eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped, in part on or about February 28, 1931, by the Vilas Co., Parker, S.Dak., and in part on or about March 2, 1931, by L. N. Manning, Roodhouse, Ill., and had been transported from the States of South Dakota and Illinois, respectively, into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On September 7, 1932, M. Roth & Co., Inc., New York, N.Y., the consignee of the product, having consented to the entry of a decree, judgment was entered by the court ordering that it be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20221. Adulteration of canned frozen eggs. U.S. v. 779 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond for separation, and destruction of unfit portion. (F. & D. no. 28504. Sample no. 11901-A.)

This action involved the interstate shipment of a quantity of canned frozen eggs, samples of which were found to be decomposed.

On July 25, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 779 cans of frozen eggs, remaining in the original packages at Brooklyn, N.Y., alleging that the article had been shipped on or about July 10, 1932, by the Emulsol Corporation, from Chicago, Ill., to Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Emulsol-M. * * * The Emulsol Corp. * * * Chicago, Ill."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On August 11, 1932, the Emulsol Corporation, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered; and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it be sorted under the supervision of this Department, in order to separate the cans containing good eggs from the cans containing bad eggs, that the decomposed portion be destroyed and that the remainder be disposed of only in compliance with the law, State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20222. Adulteration of herring. U.S. v. 2 Boxes, et al., of Bluefin Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28743, 28744. Sample nos. 4504-A, 4505-A.)

These cases involved interstate shipments of quantities of herring which were found to be infested with parasitic worms.

On July 29, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of four boxes of bluefin herring at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 26, 1932, by H. Mickelsen, from Schroeder, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On September 26, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20223. Adulteration of Fruiti-Chews and Fruit Chews. U.S. v. 1,357 Dozen Packages of Fruiti-Chews and Fruit Chews. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28811. Sample no. 9483-A.)

This action involved quantities of chewing gum, known as Fruiti-Chews or Fruit Chews, that contained phenolphthalein, a drug which might be harmful.

On August 27, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,357 dozen packages of Fruiti-Chews or Fruit Chews, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 26, 1932, by S. S. Epstein, from New York, N.Y., to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Chewing Sweet Five Cents National Fruiti-Chews"; or "National Chewing Sweet Fruit Chews."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, phenolphthalein, which might have rendered it harmful to health.

On September 23, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20224. Adulteration of dill pickles. U.S. v. 36 Cases of Dill Pickles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28808. Sample no. 7373-A.)

This action involved a quantity of dill pickles samples of which were found to be decomposed.

On August 27, 1932, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 cases of dill pickles, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped in interstate commerce, on or about October 12, 1931, by the Southern Manufacturing Co., from St. Louis, Mo., to Pensacola, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Our Favorite Brand Dill Pickles, * * *. Packed and Guaranteed by Southern Manufacturing Company, St. Louis."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20225. Adulteration of caraway seed. U.S. v. 1 Bag of Caraway Seed. Decree of condemnation and destruction. (F. & D. no. 28731. Sample no. 8674-A.)

This action involved the interstate shipment of a quantity of caraway seed which was found to contain rodent excreta.

On August 22, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one bag of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on or about July 19, 1932, by Bear Stewart Co., from Chicago, Ill., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 19, 1932, no claim having been entered for the property and the consignee having consented to its destruction, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20226. Adulteration of butter. U.S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28746. Sample no. 8541-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 12, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by Sebekia Cooperative Creamery, from Sebekia, Minn., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 15, 1932, William Lippincott & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant for reconditioning under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$650, conditioned in part that it should not be sold or disposed of contrary to the laws of the United States or any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20227. Adulteration of butter. U.S. v. 4 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution. (F. & D. no. 28765. Sample no. 12010-A.)

This case involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 4, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 25, 1932, by the Sheldon Creamery Co., from Sheldon, Wis., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that such portions as were fit for human consumption be delivered to a charitable institution, and that any portion unfit for food be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20228. Adulteration and misbranding of butter. U.S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28839. Sample no. 3559-A.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 9, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on August 1, 1932, by the Hartford Creamery Co., from Dakota, Minn., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 15, 1932, the Waskow Butter Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20229. Adulteration and misbranding of frozen strawberries. U.S. v. 47 Barrels of Frozen Strawberries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28831. Sample no. 12874-A.)

This action involved the shipment of a quantity of frozen strawberries a portion of which were found to be moldy.

On August 30, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 47 barrels of frozen strawberries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about July 26, 1932, by the S. A. Moffett Co., from Seattle, Wash., to San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Packed by S. A. Moffett Co., Extra Fancy Cold Pack Marshall Strawberries * * * Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "Extra Fancy", was false and misleading and deceived and misled the purchaser.

On September 20, 1932, the S. A. Moffett Co., Seattle, Wash., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be made to conform to the provisions of the Federal Food and Drugs Act, under the supervision of this Department. In supervising the reconditioning of the product this Department required the separation and destruction of the moldy berries.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20230. Adulteration and misbranding of butter. U.S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28901. Sample no. 4653-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 16, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original un-

broken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 6, 1932, by the Blockton Creamery Co., from Blockton, Iowa, to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 15, 1932, Coyne & Nevins Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20231. Adulteration of butter. U.S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28842. Sample no. 12021-A.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 8, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce July 21, 1932, by the McIlhaney Creamery, from Lubbock, Tex., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law.

Frederick F. Lowenfels & Son, New York, N.Y., interposed a claim for the property as agent for the McIlhaney Creamery Co., Lubbock, Tex., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On August 26, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be reworked so that it comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20232. Adulteration of butter. U.S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28845. Sample no. 12262-A.)

This action involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 13, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 6, 1932, by the Sunburg Cooperative Creamery, of Sunburg, Minn., through the Northwest Dairy Forwarding Co., Duluth, Minn., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law.

Paul R. Dillon interposed a claim for the property as agent for the Sunburg Farmers Creamery Association, Sunburg, Minn., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On August 29, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked so that it comply with the requirements of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20233. Adulteration and misbranding of butter. U.S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28840. Sample no. 3561-A.)

This action involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 5, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on July 30, 1932, by the Iowa Creamery Co., from Marengo, Iowa, to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On August 18, 1932, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20234. Adulteration and misbranding of butter. U.S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28838. Sample no. 3558-A.)

This action involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On or about August 9, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on July 25, 1932, by the Bridgewater Creamery Co., from Salem, S.Dak., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On August 17, 1932, Gallagher Bros., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20235. Adulteration of butter. U.S. v. 78 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28849. Sample no. 9364-A.)

This action involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 13, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 78 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about August 8, 1932, alleging that the article had been shipped in interstate commerce by the North American Creameries, Inc., from Oakes, N.Dak., to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress of March 4, 1923, providing that butter should contain not less than 80 percent by weight of milk fat.

On August 18, 1932, claimant having appeared and admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it be reworked under the supervision of this Department, so that it contain at least 80 percent of butterfat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20236. Adulteration of poppy seed. U.S. v. 12 Bags of Poppy Seed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28795. Sample no. 9356-A.)

This case involved the interstate shipment of a quantity of poppy seed which was found to contain rodent excreta and evidence of insect infestation.

On August 26, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 bags of the said poppy seed, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in foreign commerce on or about April 6, 1932, by Wambersie & Zoon, as agents for Geisderver & Vermeys, from Amsterdam, Netherlands, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 20, 1932, the D. & L. Slade Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of cash bond in the sum of \$200, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. It was further ordered by the court that all foreign matter of a filthy nature be removed from the product under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20237. Adulteration and misbranding of vinegar. U.S. v. 11 Cases of Apple Cider Vinegar, et al. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. nos. 28778, 28779. Sample nos. 2228-A, 2229-A.)

This action involved the shipment of quantities of cider vinegar and distilled vinegar which was low in acidity. Sample bottles of the distilled vinegar were also found to contain less than the declared volume.

On August 23, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 cases of apple cider vinegar and 7 cases of distilled vinegar, remaining in the original packages at Roswell, N.Mex., alleging that the articles had been shipped in interstate commerce, from Abilene, Tex., to Roswell, N.Mex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The records of this Department indicate that the cider vinegar was shipped by the Universal Manufacturing Co., Abilene, Tex., on September 3 and October 8, 1931, and that the distilled vinegar was shipped by the J. M. Radford Grocery Co., Abilene, Tex., June 1 and July 8, 1932. The articles were labeled in part, respectively: "Woman's Club Apple Cider Vinegar Universal Manufacturing Co. Abilene, Texas"; and "Justo Colored Distilled Vinegar Packed by Universal Manufacturing Co., Abilene, Texas, One Qt."

Adulteration was alleged in the libel for the reason that a substance of less than 4 percent acidity had been substituted for vinegar.

Misbranding was alleged for the reason that the articles were offered for sale under the distinctive names of other articles. Misbranding of the distilled vinegar was alleged for the reason that the statement on the label, "One Qt.", was false and misleading, and deceived and misled the purchaser. Misbranding of the said distilled vinegar was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 3, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled and sold or destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20238. Adulteration of butter. U.S. v. 19 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28846. Sample no. 1257-A.)

This action involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 16, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about August 7, 1932, by T. B. Klock & Co., from Bozeman, Mont., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bozeman Creamery Bozeman, Montana T. B. Klock & Co., Seattle, Wash."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

On August 24, 1932, the Bozeman Creamery Co., Bozeman, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs act, and all other laws. On September 6, 1932, the product having been reworked and brought into compliance with the law, final order was entered making the release permanent and exonerating the bond.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20239. Adulteration and misbranding of potatoes. U.S. v. 300 Sacks of Potatoes. Product ordered released under bond to be relabeled. (F. & D. no. 28683. Sample no. 13409-A.)

This action involved the interstate shipment of a quantity of potatoes which were below the grade declared on the label.

On August 16, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 sacks of potatoes, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 13, 1932, by George Briggs & Son, from Cheshire, Ohio, to Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sack) "Potatoes * * * No. 1 Grade Ohio River Cobblers, Cheshire Potato Growers, Cheshire, Ohio."

It was alleged in the libel that the article was adulterated in that potatoes below the grade stated on the label had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "Number One Grade", was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

The George Lafbury Co., Pittsburgh, Pa., entered an appearance as agent for the Cheshire Potato Growers, Cheshire, Ohio, consented to the entry of a decree of condemnation and forfeiture, and petitioned for release of the product. On August 19, 1932, the court ordered the product released to the claimant for relabeling, upon the execution of a bond in the sum of \$200. The relabeling of the product was effected by obliterating all reference to grade appearing on the sacks.

R. G. TUGWELL, Acting Secretary of Agriculture.

20240. Adulteration of caraway seed. U.S. v. 15 Bags of Caraway Seed. Default decree of forfeiture and destruction. (F. & D. no. 28780. Sample no. 9358-A.)

This action involved a lot of imported caraway seed which was found to contain rodent excreta.

On August 25, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 bags of caraway seed, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in foreign commerce by the Catz American Co., Inc., of New York, N.Y., from The Netherlands, that it had been entered at the port of Boston on or about September 16, 1931, and that it was adulterated in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 19, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, Acting Secretary of Agriculture.

20241. Adulteration of canned salmon. U.S. v. 144 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28767. Sample no. 14789-A.)

This action was based on the interstate shipment of a quantity of canned salmon, samples of which were found to be partially decomposed.

On August 20, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 144 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 5, 1932, by the Ellson Packing Co., from Douglas, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Eat More Salmon E. P. Co. Red."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 6, 1932, the Ellson Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the bad portion be separated from the good portion under the supervision of this Department, that the unfit portion be destroyed and the unadulterated portion released.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20242. Adulteration of caraway seed. U.S. v. 8 Bags of Caraway Seed. Decree of condemnation and destruction. (F. & D. no. 28735. Sample no. 8933-A.)

This action involved the interstate shipment of a quantity of caraway seed which was found to contain rodent excreta.

On August 22, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight bags of caraway seed, remaining in the original unbroken packages at Homestead, Pa., alleging that the article had been shipped on or about December 4, 1930, by C. M. Van Sillevoldt, from Hoboken, N. J., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 26, 1932, no claim having been entered for the property and the consignee having consented to its destruction, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20243. Adulteration of mustard seed. U.S. v. 80 Bags of Mustard Seed. Decree of condemnation and forfeiture. Product released under bond to be cleaned. (F. & D. no. 28770. Sample no. 9328-A.)

This action involved a quantity of imported mustard seed which was found to contain rodent excreta.

On August 23, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 80 bags of mustard seed, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in foreign commerce, on or about November 20, 1931, by Catz American Co., Inc., from Rotterdam, Netherlands, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 23, 1932, the Stickney & Poor Spice Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act, and all other laws, and that it be cleaned under the supervision of this Department in order to remove all foreign matter of a filthy nature.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20244. Adulteration of canned tomatoes. U.S. v. 36 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28774. Sample no. 9348-A.)

This action involved the interstate shipment of a quantity of canned tomatoes, samples of which were found to contain larvae.

On August 23, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 cases of canned tomatoes, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 18, 1932, by W. E. Robinson & Co.,

from Miami, Fla., to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Miami Maid Brand Hand Packed * * * Tomatoes Packed by Riverside Canning Co., Miami, Florida."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 23, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20245. Adulteration of herring. U.S. v. 8 Boxes of Bluefin Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28742. Sample no. 4502-A.)

This action involved a shipment of herring which were found to be infested with worms.

On July 29, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight boxes of bluefin herring at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about July 26, 1932, by Thor Carlson, from Schroeder, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thor Carlson Schroeder, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance; and for the further reason that it consisted of portions of animals unfit for food.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20246. Adulteration of canned salmon. U.S. v. 1,182 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28773. Sample no. 14781-A.)

This section involved a quantity of canned salmon, samples of which were found to be decomposed.

On August 22, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,182 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce in various consignments on or about August 9, September 13, and September 22, 1930, by the Shepard Point Packing Co., from Shepard Point, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On August 29, 1932, the Shepard Point Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this Department. In supervising the reconditioning of this product this Department required the separation and destruction of the cans containing decomposed salmon.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20247. Adulteration of caraway seed. U.S. v. 11 Bags of Caraway Seed. Decree of condemnation and destruction. (F. & D. no. 28732. Sample no. 8931-A.)

This action involved the interstate shipment of a quantity of caraway seed which was found to contain rodent excreta.

On August 22, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying

seizure and condemnation of 11 bags of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on or about July 8, 1932, by A. Olender & Son, from Dearborn, Mich., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 27, 1932, no claim having been entered for the property, and the consignee having consented to its destruction, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20248. Adulteration of caraway seed. U.S. v. 1 Bag of Caraway Seed. Decree of condemnation and destruction. (F. & D. no. 28733. Sample no. 15776-A.)

This action involved the interstate shipment of a quantity of caraway seed which was found to contain rodent excreta.

On August 22, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one bag of caraway seed, remaining in the original unbroken package at Pittsburgh, Pa., alleging that the article had been shipped on or about July 28, 1932, by David G. Evans Coffee Co., from St. Louis, Mo., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 9, 1932, no claim having been entered for the property and the consignee having consented to its destruction, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20249. Adulteration and misbranding of butter. U.S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28896. Sample no. 3566-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 16, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1932, by Cole Camp Creamery, from Cole Camp, Mo., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 20, 1932, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20250. Adulteration and misbranding of butter. U.S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28897. Sample no. 3569-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 16, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 28, 1932, by Adrian Creamery, from Adrian, Minn., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 20, 1932, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20251. Adulteration of apples. U.S. v. 26 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29303. Sample no. 29914-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 27, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 21, 1932, by Sam Guarino, from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20252. Adulteration of apples. U.S. v. 15 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29535. Sample no. 29898-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 25, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 20, 1932, by Clayton E. Altenburg, from Kibbie, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20253. Adulteration of apples. U.S. v. 16 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29536. Sample no. 29998-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On November 7, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 31, 1932, by H. J. Hillegonds & Sons from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20254. Adulteration of tomato catsup. U.S. v. 20 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 26941. I.S. no. 31503. S. no. 5159.)

This case involved an interstate shipment of canned tomato catsup which was found to contain excessive mold.

On or about September 16, 1931, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 20 cases of tomato catsup at Miles City, Mont., alleging that the article had been shipped in interstate commerce, on or about March 2, 1931, by the Woods Cross Canning Co., from Layton, Utah, to Miles City, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Woods Cross Brand Catsup * * * Packed by Woods Cross Canning Co., Woods Cross, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 16, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20255. Adulteration of apples. U.S. v. 72 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29300. Sample no. 5054-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 28, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 bushels of apples at Evanston, Ill., alleging that the article had been shipped in interstate commerce October 21, 1932, by Mrs. C. M. Munson, from Dowagiac, Mich., to Evanston, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20256. Adulteration of apples. U.S. v. 35 Bushels, et al., of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29569. Sample nos. 29891-A, 29892-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 25, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 bushels of apples at South Chicago, Ill., alleging that the article had been shipped in interstate commerce October 19, 1932, by Frank Dremont, from Coloma, Mich., to South Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20257. Adulteration of apples. U.S. v. 16 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29282. Sample no. 24932-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 11, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on October 1, 1932, by Chas. Overhiser, from Kibbie, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20258. Adulteration of apples. U.S. v. 65 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29573. Sample nos. 29958-A, 29959-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On November 7, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 65 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 27, 1932, by Otto Kelder, from South Haven, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20259. Adulteration of apples. U.S. v. 13 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29301. Sample no. 24446-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 18, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 bushels of apples at Chicago, Ill. On November 2, 1932, an order amending the libel was filed. It was alleged in the libel as amended that the article had been shipped in interstate commerce on October 11, 1932, by Morris Fine, from Benton Harbor, Mich., to Chicago, Ill., and that it was adulterated in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20260. Adulteration of apples. U.S. v. 15 Bushels, et al., of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29279. Sample nos. 24452-A, 24453-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 bushels of apples at Chicago, Ill., consigned by John Hamlin, South Haven, Mich., alleging that the article had been shipped in interstate commerce October 10, 1932, from South Haven, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20261. Adulteration of apples. U.S. v. 19 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29606. Sample no. 29928-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On November 1, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 24, 1932, by R. E. Russel, from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20262. Adulteration of apples. U.S. v. 300 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29285. Sample no. 29906-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 27, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 21, 1932, by Harry Brainin, from Covert, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20263. Adulteration of apples. U.S. v. 10 Bushels, et al., of Apples. Default decrees of condemnation, forfeiture, and destruction. F. & D. nos. 29232, 29280. Sample nos. 24470-A, 24954-A.)

These actions involved the interstate shipment of quantities of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 11 and October 21, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 22 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on October 6, and in part on October 13, 1932, by S. H. Bransky, from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 17, 1932, and December 13, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20264. Adulteration of apples. U.S. v. 14 Bushels, et al., of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29139, 29140, 29571. Sample nos. 24684-A, 24686-A, 29946-A.)

These actions involved the interstate shipment of quantities of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On September 22 and November 4, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 78 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in various consignments, on September 15, September 16, and October 26, 1932, respectively, by Lyman Bros., from Kibbie, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 16 and December 15, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20265. Adulteration of apples. U.S. v. 42 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29087. Sample no. 24832-A.)

This action involved the interstate shipment of a quantity of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On October 1, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce September 23, 1932, by A. N. Spear, from Derby, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20266. Adulteration of apples. U.S. v. 19 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29145. Sample no. 24881-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 8, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce September 29, 1932, by Neil Hodgman, from Bangor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20267. Adulteration of Hyslop crab apples. U.S. v. 34 Bushels, et al., of Hyslop Crabs. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29062, 29064. Sample nos. 24661-A, 24678-A.)

This action involved the interstate shipment of quantities of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On September 19 and September 22, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 54 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on September 12, 1932, and in part on September 15, 1932, by South Haven Fruit Exchange, from South Haven, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 16, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20268. Adulteration of apples. U.S. v. 45 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29231. Sample no. 24941-A.)

This action involved the interstate shipment of a quantity of apples which were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 11, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 6, 1932, by Dykstra & Sons, from Coloma, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20269. Adulteration of apples. U.S. v. 41 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29063. Sample no. 24672-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On September 19, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 41 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce September 13, 1932, by Herbert L. Johns, from Berrien Springs, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20270. Adulteration of crab apples. U.S. v. 9 Bushels of Crab Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29118. Sample no. 24700-A.)

This action involved the interstate shipment of a quantity of crab apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On September 26, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce September 19, 1932, by M. F. Russell, from Bangor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20271. Adulteration of apples. U.S. v. 70 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29144. Sample no. 24879-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in an amount which might have rendered the article injurious to health.

On October 4, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce September 28, 1932, by Will Nicolson, from Hartford, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20272. Adulteration of apples. U. S. v. 60 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29148. Sample no. 24896-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in an amount which might have rendered the article injurious to health.

On October 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce September 20, 1932, by Gust Baldaccini, from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20273. Adulteration of apples. U. S. v. 44 Bushels, et al., of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29143, 29157. Sample nos. 24878-A, 24885-A.)

This action involved the interstate shipment of quantities of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 4, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 139 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on September 28 and in part on September 29, 1932, by Hill & Son, from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 17, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20274. Adulteration of apples. U. S. v. 56 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29147. Sample no. 24894-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in an amount which might have rendered the article injurious to health.

On October 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 56 bushels of apples at Chicago, Ill., alleging

that the article had been shipped in interstate commerce September 30, 1932, by August Stoerk, Inc., from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20275. Adulteration of apples. U.S. v. 28 Bushels, et al., of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29086, 29141, 29149, 29161. Sample nos. 24719-A, 24834-A, 24835-A, 24918-A, 24947-A.)

These actions involved the interstate shipment of quantities of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On September 28, October 1, October 8, and October 11, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 130 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various consignments on September 17, September 21, September 24, October 3, and October 7, 1932, by W. H. Wark, from South Haven, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 16 and 17, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20276. Adulteration of canned tomato catsup. U.S. v. 153 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27581. I.S. nos. 31670, 31671. S. no. 5533.)

This action involved the shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold.

On December 21, 1931, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 153 cases of tomato catsup at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about November 10, 1931, by William Craig Canning Co., from Pleasant Grove, Utah, to El Paso, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously in part: (Cans) "Alta Club Brand Tomato Catsup * * * [or "Royal Brand Tomato Catsup"] Wm. Craig Canning Co., * * * Ogden, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On October 25, 1932, claim and answer of Franklin & Goodman, El Paso, Tex., having been withdrawn and no other intervenor appearing of record, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20277. Adulteration of walnut meats. U.S. v. Leon Mayer. Pleas of guilty. Fines, \$250. Payment of fines suspended. F. & D. nos. 28066, 28201. I.S. nos. 31511, 32623. Sample nos. 2047-A, 2048-A, 2049-A.)

These cases were based on several interstate shipments of walnut meats, samples of which were found to be wormy, moldy, or rancid.

On August 17 and October 27, 1932, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid two informations against Leon Mayer, Los Angeles, Calif., charging

shipment by said defendant in violation of the Food and Drugs Act, on or about September 30 and October 14, 1931, from the State of California into the State of Utah, and on or about March 18, April 18, and May 16, 1932, from the State of California into the State of Colorado, of quantities of walnut meats which were adulterated.

It was alleged in the information filed August 17, 1932, that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance. Adulteration was alleged in the second information for the reason that the article consisted in part of filthy and decomposed vegetable and animal substances.

On November 7, 1932, the defendant entered a plea of guilty to each information and the court imposed fines amounting in the aggregate to \$250. The United States attorney having recommended leniency, the fines were ordered suspended, the suspension to continue to the close of the February 1933 term of court.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20278. Misbranding of cottonseed cake. U.S. v. El Paso Refining Co., Inc. Plea of guilty. Fine, \$150. (F. & D. no. 28062. I.S. no. 17578.)

This action was based on the interstate shipment of a quantity of cottonseed cake, samples of which were found to contain less than 43 percent of protein, the amount declared on the label.

On May 23, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the El Paso Refining Co., Inc., El Paso, Tex., charging shipment by said company in violation of the Food and Drugs Act, on or about April 9, 1931, from the State of Texas into the State of New Mexico, of a quantity of cottonseed cake that was misbranded. The article was labeled in part: (Tag) "43% Protein Cottonseed Cake * * * Manufactured by El Paso Refining Company, El Paso, Texas Guaranteed Analysis; Crude Protein not less than 43.00 Per Cent."

It was alleged in the information that the article was misbranded in that the statement, "43% Protein * * * Guaranteed Analysis; Crude Protein not less than 43 Per Cent", were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained much less than 43 percent of protein, namely, not more than 34.96 percent of protein.

On October 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20279. Misbranding of canned shrimp. U.S. v. 45 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 28024. I.S. no. 43333. S. no. 6082.)

This action was based on the interstate shipment of a quantity of canned shrimp, samples of which were found to be decomposed.

On April 18, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 cases of canned shrimp, remaining in the original and unbroken cases at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about January 22, 1932, by the United Rice Milling Products Co., from New Orleans, La., to Youngstown, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Orleans Brand Shrimp Packed by United Packing Co., New Orleans, La."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 12, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20280. Adulteration of butter. U.S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28989. Sample no. 10074-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 14, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 3, 1932, by Taylor Falls Creamery, Taylor Falls, Minn., through Amery Cooperative Creamery, Amery, Wis., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

Johnstone & Hollrock, New York, N.Y., agent for the Taylor Falls Creamery Co., Taylor Falls, Minn., owner of the property, interposed a claim and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On September 27, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, or the deposit of cash collateral in like amount, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act, and all laws State and Federal.

R. G. TUGWELL, Acting Secretary of Agriculture.

20281. Adulteration and misbranding of butter. U.S. v. 60 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 29060. Sample no. 4665-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On September 1, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 17, 1932, by Plains Cooperative, Inc., from Plainview, Tex., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 20, 1932, the Fox Packing Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, Acting Secretary of Agriculture.

20282. Adulteration and misbranding of tomato paste. U.S. v. 261 Cases, et al., of Tomato Paste. Decree of condemnation entered. Product released under bond. (F. & D. nos. 28782 to 28790, incl., 28812 to 28817, incl., 28827. Sample nos. 13397-A, 16777-A, 16780-A, 16781-A, 16783-A.)

The article covered by these cases was a tomato product which was sold as tomato paste but which was not sufficiently concentrated to be labeled tomato

paste. Examination further showed that the cans contained less than the declared weight, 5 ounces.

Between the dates of August 25 and August 30, 1932, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, three libels praying seizure and condemnation of a total of 550 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce in various shipments on or about October 17, 1931, March 23, 1932, and June 16, 1932, respectively, by the Tomato Products Co., of Paoli, Ind., in part from Paoli, Ind., and in part from Louisville, Ky., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: "Salsina Di Pomodoro 5 Oz. Net Orleans Light Tomato Paste * * * Tomato Products Company, Paoli, Indiana;" the remainder was labeled in part: "National Light Tomato Paste 5 Oz. Net."

It was alleged in the libels that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste, which the article purported to be.

Misbranding was alleged for the reason that the statements on the labels, "Tomato Paste 5 Oz. Net," "Salsina Di Pomodoro 5 Oz. Net * * * Light Tomato Paste", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 4, 1932, the Tomato Products Co., Paoli, Ind., having appeared as claimant, an order was entered by the court consolidating two libels covering 305 cases of the product. On October 8, 1932, claimant having admitted the allegations of the said libels, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and execution of a bond in the sum of \$3,800, conditioned that it be relabeled in compliance with the Food and Drugs Act, under the supervision of this Department. On December 9, 1932, the remaining libel covering 245 cases of the product also was consolidated with the two libels covered by decree of October 8, and the terms and conditions of the said decree made applicable thereto.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20283. Adulteration of mustard seed. U. S. v. 5 Bags of Mustard Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 23524. Sample no. 8879-A.)

This action involved a quantity of imported mustard seed which was found to contain mouse excreta.

On July 26, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five bags of mustard seed, remaining in the original unbroken packages at Cohocton, N.Y., alleging that the article was a part of an import shipment from Holland entered at the Port of New York on or about May 7, 1930, that it had been shipped by the Catz American Co., Inc., from New York, N.Y., to Cohocton, N.Y., on or about September 11, 1931, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Mustard Seed CAC Holland."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20284. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$100. (F. & D. no. 27572. I.S. no. 35513.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of

milk fat, the standard prescribed by Congress. Sample cartons also were found to contain less than 1 pound, the declared weight.

On May 13, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Sugar Creek Creamery Co., a corporation, trading at Cape Girardeau, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 15, 1931, from the State of Missouri into the State of Arkansas, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Cartons) "Creamery Butter Pasteurized Pure and Wholesome Made by Golden Grain Butter Co. Cape Girardeau, Mo. * * * One Pound."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "One Pound", borne on the carton, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cartons contained less than 1 pound.

On October 11, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20285. Misbranding and alleged adulteration of olive oil. U.S. v. Leonard Giacovelli. Plea of guilty to one misbranding count. Nolle prosequi entered as to adulteration and remaining misbranding count. Fine, \$75. (F. & D. no. 28137. I.S. no. 30706.)

This action was based on the interstate shipment of a quantity of a product represented to be olive oil, certain cans of which were found upon examination to contain less than 1 gallon, the declared volume. Samples of the product were found to contain cottonseed oil.

On October 3, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Leonard Giacovelli, Cortland, N.Y., alleging shipment by said defendant on or about May 13, 1931, from the State of New York into the State of Pennsylvania, of a quantity of olive oil that was misbranded in violation of the Food and Drugs Act as amended. The information, as filed, also charged that the article was adulterated. The cans containing the article were labeled in part: "Olio Puro D'Oлива Lucca Italy Net Contents Full Gallon. Olio Puro D'Oлива Garantito Produzione Propria."

It was alleged in count I of the information that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported solely to be.

Misbranding was alleged in count II of the information for the reason that the statements, "Olio Puro D'Oлива Lucca Italy Net Contents Full Gallon * * * Garantito Produzione Propria", together with the design of an olive tree borne on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article consisted of pure, unadulterated olive oil produced in Italy, and that each of the cans contained 1 gallon thereof; whereas it was not pure, unadulterated olive oil produced in Italy, since it contained undeclared cottonseed oil produced in the United States, and a number of the said cans contained less than 1 gallon. Misbranding was alleged in said count II for the further reason that the article purported to be a foreign product, when not so; in that it was an imitation of another article, namely, olive oil; and in that it was offered for sale under the distinctive name of another article, olive oil, which it purported to be. Misbranding was alleged in count III of the information for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 3, 1932, the defendant entered a plea of guilty to count III of the information and the court imposed a fine of \$75. Nolle prosequi was entered as to counts I and II.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20286. Adulteration and misbranding of rye flour. U.S. v. 350 Sacks of Flour, et al. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28915, 28927. Sample nos. 10887-A, 10889-A.)

These actions involved the interstate shipment of quantities of a product sold as rye flour which was found to consist of artificially bleached rye flour, a portion containing added chlorine, and the remainder containing benzoyl peroxide or its residue, benzoic acid.

On September 16 and September 21, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 637 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce on August 27, 1932, by the Eagle Roller Mills Co., of New Ulm, Minn., in part from New Ulm, Minn., and in part from Buffalo Lake, Minn., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "New Century Rye Flour Pure White Patent The Century Milling Co. Minneapolis, Minn."

Adulteration was alleged in the libels with respect to a portion of the article for the reason that an artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for rye flour. Adulteration was alleged with respect to the remainder for the reason that a substance, artificially bleached rye flour, had been substituted for rye flour.

Misbranding was alleged for the reason that the statement on the sacks, "Rye Flour Pure White Patent", when applied to an artificially bleached flour, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article.

The American Flour Corporation, New York, N.Y., interposed a claim for the property as agent for the Century Milling Co., of New Ulm, Minn., admitted the allegations of the libels, and consented to the entry of decrees. On October 6, 1932, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of bonds in the total sum of \$2,000, conditioned in part that it be labeled under the supervision of this Department by stenciling the words "Bleached with Benzoyl Peroxide" on the sacks.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20287. Adulteration of pickling spices. U.S. v. 300 Packages of Pickling Spices. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28871. Sample no. 5916-A.)

This action involved the interstate shipment of a quantity of pickling spices which were found to be insect-infested.

On September 20, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 packages of pickling spices at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 29, 1931, by the Hudson Tea & Spice Co., Inc., from Brooklyn, N.Y. to Cleveland, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Choice H. T. C. Pickling Spice."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20288. Adulteration of butter. U.S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28990. Sample no. 12455-A.)

This action involved the interstate shipment of a quantity of butter samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 9, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 tubs of butter, remaining in the original and unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce in the latter part of August 1932, by Akron Creamery Co., from Akron, Iowa; that it had been received at New York, N.Y., on or about September 1, 1932; and that it was adulterated in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

S. & W. Waldbaum, Inc., New York, N.Y., owner of the property, interposed a claim and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On September 21, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, or the deposit of cash collateral in like amount, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act, and all laws State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20289. Adulteration and misbranding of feed; misbranding of flour. U.S. v. Shenandoah Milling Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 27509. I.S. nos. 15906, 15908, 15909, 15910, 15911, 17351, 19179, 27516, 27519, 27640.)

This action was based on the interstate shipment of quantities of flour which was short weight, and of quantities of variously labeled feeds which contained less protein and less fat than declared, and portions of which were found to consist in whole or in part of an undeclared rye product.

On May 6, 1932, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Shenandoah Milling Co., Inc., a corporation, Shenandoah, Va., alleging shipment by said company, in violation of the Food and Drugs Act as amended, between the dates of February 20, 1931 and June 4, 1931, from the State of Virginia into the State of North Carolina, of quantities of feeds that were adulterated and misbranded, and of quantities of feeds and flour that were misbranded. The articles were labeled in part, variously: "Snowflake Flour * * * Shenandoah Milling Co., Inc., Shenandoah, Va. Net 12 Lbs. Weight"; "Red Dog Crude Protein 14.00% Crude Fat 3.00% * * * Ingredients Low Grade Flour and Red Dog, * * * Made by Shenandoah Milling Co., Inc. Shenandoah, Virginia"; "Blue Ridge Feed Analysis Protein 15.00% Fat 3.00% * * * Shenandoah Milling Co. Inc."; "Shenandoah Milling Company, Inc. None Better Robert E. Lee Finest Patent Flour * * * 24 Lbs. When Packed"; "48 Lbs. When Packed Shenandoah Milling Company, Inc. Stonewall Jackson Finest Patent Flour"; "Big C Hog and Cow Feed * * * Guaranteed Analysis Protein not less than 15.00% Fat not less than 4.25% * * * Manufactured by Carolina Flour Mills Burlington, N.C."

It was alleged in the information that the Red Dog feed was adulterated in that a rye product which contained less than 14 percent of crude protein and less than 3 percent of crude fat had been substituted for a product purporting to be composed of flour and to contain 14 percent of protein and 3 percent of fat. Adulteration was alleged with respect to one shipment of Blue Ridge feed for the reason that a rye product which contained less than 15 percent of protein and less than 3 percent of fat had been substituted for a product purporting to be composed of wheat shipstuff, low-grade flour, mill run, and re-cleaned screenings, and to contain 15 percent of protein and 3 percent of fat.

Misbranding of the Red Dog feed was alleged for the reason that the statements, "Crude Protein 14.00%, Crude Fat 3.00%" and "Ingredients Low Grade Flour and Red Dog", borne on the sacks containing the article, were false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the article contained less than 14 percent of crude protein, less than 3 percent of crude fat, and was composed in whole or in part of a rye product. Misbranding of the remainder of the said feeds was alleged for the reason that the statements, "Protein 15.00%, Fat 3.00%",

with respect to the said Blue Ridge feed, the further statement, "Ingredients: Wheat Shipstuff Low Grade Flour, Mill Run and Recleaned Screenings", with respect to a portion of the said Blue Ridge feed, and the statement, "Protein not less than 15.00%, Fat not less than 4.25%", with respect to the Big C hog and cow feed were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since they contained less protein and less fat than labeled and the said portion of the Blue Ridge feed was not composed wholly of the declared ingredients but was composed in part of a rye product. Misbranding of the flour was alleged for the reason that the statements "Net 12 Lbs. Weight", "24 lbs. when packed", and "48 Lbs. When Packed", borne on the labels, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the sacks contained less than 12 pounds, 24 pounds, and 48 pounds, respectively. Misbranding of the flour was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 31, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20290. Adulteration of caraway seed. U.S. v. 193 Bags of Caraway Seed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28704. Sample nos. 8296-A, 8297-A.)

This action involved a quantity of imported caraway seed which was found to contain rodent excreta.

On August 17, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 193 bags of caraway seed, remaining in the original unbroken packages at Philadelphia, Pa., which had been entered at the Port of Philadelphia, in part on or about February 13, 1932, and in part on or about April 15, 1932. It was alleged in the libel that the article had been shipped from Rotterdam, Netherlands, by N. V. Gebroeders Catz Handelsvereniging, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Caraway Seed * * * Produce of Holland."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 11, 1932, R. T. French Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant for reconditioning under the supervision of this Department, upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20291. Adulteration of mustard seed. U.S. v. 506 Bags of Mustard Seed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28766. Sample no. 8532-A.)

This action involved a quantity of imported mustard seed which was found to contain rodent excreta.

On August 20, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 506 bags of mustard seed, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about January 1, 1932, by Van Lessen, Richardson & Co., from London, England, to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mustard England."

It was alleged in the libel that the article was adulterated in that it consisted of a filthy vegetable substance, due to the presence of rodent excreta.

On October 11, 1932, R. T. French Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reconditioning under the supervision of this Department, upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20292. Adulteration and misbranding of butter. U.S. v. Farmers Equity Cooperative Creamery Association. Plea of guilty. Fine, \$100. (F. & D. no. 28070. I.S. no. 30561.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 1, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against the Farmers Equity Cooperative Creamery Association, a corporation, Denver, Colo., alleging shipment by said company, trading under the name of Farmers Equity Creamery, in violation of the Food and Drugs Act, on or about July 11, 1931, from the State of Colorado into the State of Massachusetts, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Silverbrook A. & P. Butter * * * Packed For or By New England Butter Whse. Springfield, Massachusetts."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter", borne on the packages, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the product contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 31, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20293. Adulteration and misbranding of cottonseed meal. U.S. v. Rome Oil Mill, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 25704. I.S. nos. 016938, 016939.)

This action was based on the shipment of quantities of a product labeled as cottonseed meal containing 7 percent of ammonia, 36 percent of crude protein, and 14 percent of crude fiber, but which was in fact a cottonseed feed containing less ammonia and crude protein, and more crude fiber than labeled.

On May 16, 1932, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Rome Oil Mill, Inc., a corporation, Rome, Ga., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 20, and February 13, 1930, from the State of Georgia into the State of Tennessee, of quantities of cottonseed meal that was adulterated and misbranded. The article was labeled in part: (Tag) "Etowah Brand Cotton Seed Meal 36 Per Cent Protein Manufactured by Rome Oil Mill, Rome Ga. Guaranteed Analysis: Ammonia 7.00 per cent, Crude Protein 36.00 per cent, * * * Crude Fibre 14.00 per cent."

It was alleged in the information that the article was adulterated in that cottonseed feed containing less than 7 percent of ammonia and less than 36 percent of crude protein, and more than 14 percent of crude fiber had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Cotton Seed Meal 36 Per Cent Protein * * * Guaranteed Analysis: Ammonia 7.00 per cent, Crude Protein 36.00 per cent * * * Crude Fibre 14.00 per cent", borne on the tags, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the article was not cottonseed meal but was cottonseed feed, and it con-

tained less ammonia, less crude protein, and more crude fiber than labeled. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, cottonseed meal.

On October 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20294. Misbranding of canned grapefruit juice. U. S. v. 106 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 28715. Sample no. 1681-A.)

This action involved the interstate shipment of a quantity of canned grapefruit juice, sample cans of which were found to contain less than the declared volume.

On August 17, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 106 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about May 5, 1932, by the De Soto Canning Co., from Tampa, Fla., to Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bert Marshall's 100% Pure * * * Grapefruit Juice * * * Packed by De Soto Canning Co., Arcadia, Florida, Contents 11 Fl. Oz."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 11 Fluid Ounces," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On October 27, 1932, the De Soto Canning Co., Arcadia, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled under the supervision of this Department and that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20295. Adulteration of caraway seed. U. S. v. 3 Bags of Caraway Seed. Consent decree of condemnation and destruction. (F. & D. no. 28702. Sample no. 8845-A.)

This action involved the interstate shipment of a quantity of caraway seed which contained insect and rodent excreta.

On August 18, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three bags of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 18, 1932, by Wood & Selick, Inc., from New York, N.Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Product of Holland."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On October 15, 1932, no claim having been made for the property, and the consignee having consented to the entry of an order of destruction, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20296. Adulteration and misbranding of assorted fruit pectin jellies. U. S. v. C. H. Musselman Co. Plea of guilty. Fine, \$100. (F. & D. no. 26651. I. S. nos. 5953, 5954, 5955, 5956, 5957, 14563, 14564, 14565, 14566.)

This action was based on several shipments of strawberry, currant, raspberry, and grape fruit pectin jellies which consisted of mixtures composed of pectin, sugar, and water with little or no fruit juices present and which, with

the exception of the grape jelly, contained undeclared added acid. All products, and a shipment of apple jelly also covered by the case, were short weight.

On March 24, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the C. H. Musselman Co., a corporation, Biglerville, Pa., alleging shipments by said company in violation of the Food and Drugs Act as amended, on or about May 29, June 26, and August 21, 1930, from the State of Pennsylvania into the State of Florida of quantities of fruit pectin jellies which were misbranded and which, with the exception of the apple jelly, were also adulterated. The apple jelly was labeled in part: (Glass) "Musselman's Brand [design of apples], Pure Apple Jelly * * * net contents 6 ounces." The remaining products were labeled: (Glasses) "Musselman's Brand [Designs of strawberries, currants, raspberries, or grapes] Fruit Pectin Strawberry [or "Currant", "Raspberry", or "Grape"] Jelly Manufactured by the C. H. Musselman Co. Biglerville, Pa. Net Contents 6 Ounces [or "Net Contents 16 ounces"]."

Adulteration of the strawberry, currant, and raspberry jellies was alleged for the reason that mixtures composed of pectin, sugar, and water and which contained undeclared added acid and little or no fruit juices, had been substituted for fruit pectin strawberry, currant, and raspberry jellies which the articles purported to be. Adulteration of the grape jelly was alleged for the reason that a mixture composed of pectin, sugar, and water and which contained little or no grape juice had been substituted for the said article.

Misbranding of the said strawberry, currant, raspberry, and grape jellies was alleged for the reason that the statements "Fruit Pectin Strawberry [or "Currant", "Raspberry", or "Grape"] Jelly" and the designs of strawberries, currants, raspberries, and grapes, borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements and designs represented that the articles consisted wholly of fruit pectin jellies; whereas they consisted of mixtures composed of pectin, sugar, and water containing little or no fruit juices, and with the exception of the grape jelly also contained added acid. Misbranding was alleged with respect to the said jellies and also the apple jelly for the reason that the statements, "Net Contents 6 Ounces" and "Net Contents 16 Ounces", borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the glasses contained less than so labeled. Misbranding was alleged for the further reason that the articles were foods in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On October 21, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20297. Adulteration and misbranding of cane sirup. U.S. v. Arthur O. Cunningham. Plea of guilty. Imposition of sentence suspended.
(F. & D. no. 28129. I.S. nos. 36631, 36632, 36633, 36634.)

This action involved the interstate shipment of a quantity of alleged cane sirup which contained added, undeclared sugar sirup and glucose. The article was shipped in cans, some of which contained less than the declared volume. The charges in the information based on the alleged shortage in volume were, however, dismissed.

On August 2, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Arthur O. Cunningham, Lafayette, La., alleging shipment by said defendant on or about July 16, 1931, from the State of Louisiana into the State of Mississippi, of a quantity of cane sirup, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Open Kettle Pure Cane Syrup Packed by A. O. Cunningham. * * * Lafayette, La." Portions of the article were further labeled: "3 Qts. 8 Fld. Ozs." or "16 Fld. Ozs."

It was alleged in the information that the article was adulterated in that added and undeclared substances, glucose and sugar sirup, had been mixed and

packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for pure cane sirup, which the article purported to be.

Misbranding was alleged for the reason that the statement "Pure Cane Syrup", borne on the labels of the cans containing the article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not composed solely of pure cane sirup, but was composed largely of added, undeclared glucose and sugar sirup. It was further alleged in the information that the article was misbranded in that the statement "16 Fld. Ozs.", borne on some of the cans, and the statement "3 Qts. 8 Fld. Ozs.", borne on some of the cans, were false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since some of the cans contained less than declared.

On October 27, 1932, the defendant entered a plea of guilty to the information. The court having announced that he would not consider the short-weight feature of the case, it was ordered that the charges in the information based on the alleged shortage in weight be dismissed, and after admonishing the defendant, suspended the imposition for a period of 5 years.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20298. Misbranding of canned kidney beans and canned pumpkin. U.S. v. 15 Cases of Canned Kidney Beans, et al. Products released under bond to be relabeled. (F. & D. nos. 28455, 28456. Sample nos. 2404-A, 2405-A.)

This action involved the interstate shipment of a quantity of canned kidney beans and a quantity of canned pumpkin, samples of which were found to be short of the declared weight.

On July 11, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 15 cases of canned kidney beans and 46 cases of canned pumpkin, remaining in the original packages at Amarillo, Tex., alleging that the articles had been shipped on or about February 20, 1932, by the Otoe Food Products Co., from Nebraska City, Nebr., to Amarillo, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Can) "Blue and White Brand Red Kidney Beans, Contents 1 Pound"; (can) "Red and White Brand Golden Pumpkin, Net Weight 1 Pound."

It was alleged in the libel that the articles were misbranded in that the statements, "Contents 1 Pound" and "Net Weight 1 Pound", appearing on the labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than 1 pound. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements were incorrect.

The Brown Bros. Brokerage Co., Denver, Colo., claimant, filed an answer admitting the allegations of the libel and praying release of the products under bond. On September 3, 1932, bond in the sum of \$500 having been filed conditioned that claimant pay costs and that the goods would not be exposed for sale until properly relabeled, judgment was entered approving the bond and ordering the products released to the claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20299. Misbranding of pepper. U.S. v. 150 Cartons, et al., of Black Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28600. Sample nos. 14380, 14381.)

This action involved the interstate shipment of quantities of black pepper, sample packages of which were found to contain less than the declared weight.

On August 6, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cartons and 22 cartons of black pepper, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 23, 1932, by the Hudson Tea & Spice Co., from New York, N.Y., to Baltimore, Md., and charging mis-

branding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hudson Brand HTC Pure Black Pepper * * * $\frac{5}{8}$ Oz. Net Weight. [or "2 Oz. Net Weight"]."

It was alleged in the libel that the article was misbranded in that the statements on the label, " $\frac{5}{8}$ Oz. Net Weight", or "2 Oz. Net Weight", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20300. Adulteration of caraway seed. U.S. v. 1 Bag of Caraway Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28470. Sample no. 8865-A.)

This action involved a quantity of imported caraway seed which was found to contain insect and animal excreta and dead insects.

On or about July 16, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one bag of caraway seed, remaining in the original unbroken package at Buffalo, N.Y., which had been imported by the Levy & Levis Co., Inc., from The Netherlands, and shipped by the importer from New York, N.Y., to Buffalo, N.Y. It was alleged in the libel that the article had been entered at the port of New York on or about April 1, 1932, that it had been shipped from New York, on or about April 28, 1932, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Eatrite Brand L. L. C. Holland."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 10, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20301. Adulteration of canned salmon. U.S. v. 2,728 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion. (F. & D. nos. 28781, 28791, 28821, 28855, 28993, 28996, 29000, 29048. Sample nos. 14982-A, 14993-A, 14994-A, 14995-A, 14996-A, 15256-A, 15258-A, 15262-A, 15274-A, 15284-A, 25566-A, 25576-A, 25578-A, 25581-A, 25585-A, 25586-A, 25587-A, 25610-A, 25612-A, 25617-A, 25618-A.)

These actions involved various shipments of canned salmon which was found to be in part decomposed.

On August 24, August 29, September 6, October 5, October 6, October 7, and October 14, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 7,344½ cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce between the dates of July 5, 1932, and September 6, 1932, by the Superior Packing Co., from Tenakee, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. On October 13, 1932, the libel filed on October 5, 1932, which had been erroneously drawn to cover 28 cases, was amended to include the correct amount recommended for seizure, namely 2,080 cases, the total amount covered by the eight libels after the said amendment being 9,396½ cases. A portion of the article was labeled in part: (Case) "Eat More Salmon * * * Alaska Brand Salmon." A portion was labeled: (Can) "Hypatia Brand Pink Salmon * * * Oceanic Sales Co., Seattle * * * Distributors." A portion was labeled: (Can) "Edola Brand Pink Salmon * * * Oceanic Sales Co. Distributors, Seattle, Chicago." The remainder of the said article was unlabeled.

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

The Superior Packing Co. entered an appearance as claimant, consented to the entry of a decree, and admitted the material allegations of the libels. On

November 8, 1932, the eight libels having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered. The court, having found that a portion of the cans might contain salmon which was wholesome and fit for human consumption, ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that the product should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws, and further conditioned that the claimant separate the cans containing good salmon from cans which contained decomposed salmon, and that the decomposed portion be destroyed in the process of separation.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20302. Adulteration and misbranding of rye flour. U.S. v. 93 Sacks of Rye Flour, et al. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28940, 28942. Sample nos. 10890-A, 10892-A.)

These actions involved the interstate shipment of quantities of a product sold as rye flour, which was found to be an artificially bleached rye flour, containing benzoyl peroxide or its residue, benzoic acid.

On September 22 and September 23, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 436 sacks of rye flour at New York, N.Y., alleging that the article had been shipped in interstate commerce, by the Wisconsin Milling Co., from Menomonie, Wis., in part on or about August 19, 1932, and in part on or about September 2, 1932, and had been transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: (Sack) "Rye Flour * * * Pride of Wisconsin, High Grade, Guaranteed Pure Patent White Rye, Wisconsin Milling Co., Menomonie, Wis." The remainder was labeled: (Sack) "Riverdale White Patent Rye Flour Golden Grain Products Co., New York, N.Y., Distributors."

Adulteration was alleged in the libel filed with respect to a portion of the article for the reason that artificially bleached rye flour had been substituted for white rye flour. Adulteration was alleged with respect to the remainder of the article for the reason that artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for rye flour.

Misbranding was alleged with respect to both lots of the product for the reason that the statements on the sacks, "Pure Patent White Rye" and "White Patent Rye Flour", were false and misleading and deceived and misled the purchaser, when applied to an artificially bleached flour. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

David Coleman, New York, N.Y., interposed a claim for the property as agent for the Wisconsin Milling Co., Menomonie, Wis., admitted the allegations of the libels, and consented to the entry of decrees. On October 6, 1932, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds in the total sum of \$1,300, conditioned in part that it be relabeled, under the supervision of this Department, by stenciling the words "Bleached with Benzoyl Peroxide" on the sacks.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20303. Misbranding of canned tomatoes. U.S. v. 60 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 28612, 28613. Sample no. 7181-A.)

This action involved the shipment of a quantity of canned tomatoes which contained excessive peel and which were not labeled to indicate that they were substandard. It was represented on the label that the article was packed in Miami, Fla., whereas it was packed in Crystal Springs, Miss.

On August 9, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 cases of canned tomatoes at Lafayette, La. It was alleged in the libel that the article had been shipped in interstate commerce on or about July 20, 1932, by Uddo-Taormina Corporation, from Crystal Springs, Miss., to Plaquemine, La., that it had been re-consigned to Lafayette,

La., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Orla Brand Standard Pack Tomatoes * * * Packed in Miami, Fla."

Misbranding was alleged in the libel for the reason that the statements on the label, "Standard Pack * * * Packed in Miami, Fla.", were false and misleading and deceived and misled the purchaser, since the goods were packed in Crystal Springs, Miss. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it contained excessive peel, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On October 3, 1932, the Uddo-Taormina Corporation, organized under the laws of the State of Delaware, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled under the supervision of this Department, and further conditioned that it should not be sold or disposed of until inspected and found to be in compliance with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20304. Adulteration of crab meat. U.S. v. 50 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28868. Sample no. 22311-A.)

This action involved the interstate shipment of a quantity of crab meat which was found to contain filth.

On September 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cans of crab meat, remaining in the original unbroken packages at Jenkintown, Pa., alleging that the article had been shipped on or about August 31, 1932, by P. K. Hunt & Son, from Hampton, Va., from Fort Monroe, Va., to Jenkintown, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 24, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20305. Misbranding of canned black-eyed peas and canned chili beans. U.S. v. 6¼ Cases of Canned Black-Eyed Peas, et al. Default decrees of condemnation, forfeiture, and sale. (F. & D. nos. 28721, 28722. Sample nos. 2423-A, 2424-A.)

These cases involved shipments of a quantity of canned black-eyed peas and a quantity of canned chili beans, both of which products were found to be short weight.

On August 20, 1932 and August 22, 1932, the United States attorney for the District of New Mexico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6¼ cases of canned black-eyed peas and 217 cans of chili beans, remaining in the original packages at Roswell, N.Mex., alleging that the articles had been shipped in interstate commerce in various shipments on or about November 25, 1931, May 12, 1932, and June 1, 1932, respectively, by J. M. Radford Grocery Co., from Abilene, Tex., to Roswell, N.Mex., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Can) "Woman's Club Blackeyed Peas [or "Chili Beans"] Net Contents 1 Lb. * * * Universal Mfg. Co., Abilene, Texas."

It was alleged in the libels that the articles were misbranded in that the statement on the labels, "Net Contents 1 Lb.", was false and misleading and deceived and misled the purchaser, since the cans were short weight. Misbranding was alleged for the further reason that the products were food in package form and the quantity of the contents was not plainly and con-

spicuously marked on the outside of the package, in that the stated quantity was incorrect.

On October 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be relabeled and sold by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20306. Adulteration of butter. U.S. v. 19 Cartons of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28907. Sample no. 20332-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 1, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cartons of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about August 25, 1932, by the Sugar Creek Creamery Co., from Pana, Ill., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jersey Lily Brand Creamery Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On October 13, 1932, the Sugar Creek Creamery Co., Pana, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reconditioning, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or disposed of contrary to the law, State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20307. Adulteration of crab meat. U.S. v. 20 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28873. Sample no. 22318-A.)

This action involved the interstate shipment of a quantity of crab meat which was found to contain filth.

On September 7, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cans of crab meat, remaining in the original and unbroken packages at West Palm Beach, Fla., alleging that the article had been shipped in interstate commerce on or about September 1, 1932, by the Coston Co., Inc., from Hampton, Va., to West Palm Beach, Fla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20308. Adulteration of canned shrimp. U.S. v. 70 Cases, et al., of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28260, 28261, 28291. Sample nos. 2027-A, 2028-A, 2031-A.)

These actions involved the shipment of quantities of canned shrimp, samples of which were found to be partially decomposed.

On May 12 and May 18, 1932, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of a total of 245 cases of canned shrimp, remaining in the original unbroken packages at Denver, Colo., consigned by the Biloxi Canning & Packing Co., Biloxi, Miss., alleging that the article had been shipped in interstate commerce, in part on or about October 7, 1931, and in

part on or about January 27, 1932, from Biloxi, Miss., to Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The libels covered three different lots: A portion was unlabeled; a portion was labeled in part: (Can) "Biloxi Miss Brand Selected Shrimp * * * Packed by the Biloxi Canning & Packing Company, Inc., Biloxi, Miss."; a portion was labeled in part: (Can) "Blue & White Brand Dry Pack Shrimp * * * Red & White Corpn. Distributors."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed animal substance.

On October 8, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20309. Adulteration of canned tomatoes. U.S. v. 49 Cases, et al., of Canned Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28908, 28909. Sample nos. 20348-A, 20349-A.)

These actions involved interstate shipments of quantities of canned tomatoes, samples of which were found to be in a state of active decomposition.

On September 13, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 95 cases of canned tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 30, 1932, by the Victor Preserving Co., from Fruitland, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tomatoes * * * Distributors The Great Atlantic & Pacific Tea Co."

It was alleged in the libels that the article was adulterated in that it consisted of a decomposed and putrid vegetable substance.

On September 30, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20310. Adulteration of apples. U.S. v. 70 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29601. Sample no. 5068-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On November 4, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 30, 1932, by Daniel Reynolds, from Berrien Springs, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20311. Adulteration of apples. U.S. v. 60 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29653. Sample no. 5073-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On November 17, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 bushels of apples at Ottawa, Ill., alleging that

the article had been shipped in interstate commerce November 11, 1932, by James Garver, from Fennville, Mich., to Ottawa, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20312. Adulteration of apples. U.S. v. 14 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29574. Sample no. 29975-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On November 4, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 27, 1932, by H. Bonnevier, from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20313. Adulteration of apples. U.S. v. 64 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29284. Sample no. 29879-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 25, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 64 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 19, 1932, by A. S. Hale, from Bangor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20314. Adulteration of canned salmon. U.S. v. 2,027 Cases, et al., of Canned Salmon. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 28892, 28916. Sample nos. 1776-A, 1777-A, 1778-A, 1780-A, 1782-A, 1783-A, 1784-A, 1786-A, 1788-A, to 1793-A, incl., 14883-A, 14885-A, 14888-A, 14889-A, 14899-A, 14900-A, 15063-A.)

These actions involved the interstate shipment of quantities of canned salmon, samples of which were found to be partially decomposed.

On September 12, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,027 cases of canned salmon at Astoria, Ore. On September 16, 1932, a libel was filed against 819 cases of canned salmon, also located at Astoria, Ore. Only a part of the goods covered by the libel of September 12, 1932, having been seized by the marshal, the United States attorney, on September 28, 1932, filed a libel against the remaining 1,441 cases. It was

alleged in the libels that the article had been shipped in interstate commerce by the Chinook Packing Co., from Chinook, Wash., in various lots on or about August 10, August 11, August 12, and August 25, 1932; that it remained in the original unbroken packages at Astoria, Oreg., and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a decomposed animal substance.

On October 5, 1932, the Chinook Packing Co., Chinook, Wash., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of good and sufficient bonds, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act or the laws of any State, Territory, or insular possession. It was further ordered that the product should not be sold or disposed of until reconditioned in a manner satisfactory to this Department. The product was reconditioned by separation and destruction of the unfit portion.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20315. Adulteration and misbranding of butter. U.S. v. 13 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28895. Sample no. 3564-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 15, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 28, 1932, by Model Creamery Co., from Newhall, Iowa, to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On October 3, 1932, William Gardemann, trading as the Model Creamery Co., Newhall, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20316. Misbranding of canned black-eyed peas and canned red beans. U.S. v. 8 Cases of Canned Black-Eyed Peas, et al. Default decree of condemnation, forfeiture, and sale. (F. & D. nos. 28771, 28772. Sample nos. 2243-A, 2244-A.)

This action involved the interstate shipment of quantities of canned black-eyed peas and canned red beans, sample cans of which were found to contain less than 1 pound, the declared weight.

On August 22, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 cases of canned black-eyed peas and 13 cases and 12 cans of canned red beans, remaining in the original packages at Clovis, N.Mex., alleging that the article had been shipped in interstate commerce on or about February 27, 1932, by the Thrift Packing Co., from Fort Worth, Tex., to Clovis, N.Mex., and charging misbranding in violation of the food and

drugs act as amended. The articles were labeled in part: "Blue and White Brand Contents 1 Lb. * * * Black Eyed Peas [or "Red Beans"]".

It was alleged in the libel that the article was misbranded in that the statement "Contents 1 Lb." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement on the label was incorrect.

On October 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the marshal relabel the goods and sell them at public auction.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20317. Adulteration and misbranding of butter. U.S. v. 35 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28437. Sample no. 8730-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 16, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 boxes each containing thirty 1-pound cartons of butter remaining in the original unbroken boxes, in part at Jamestown, N.Y., and in part at Olean, N.Y., assigned by McKean County Creamery, alleging that the article had been shipped from Smethport, Pa., on or about June 15, 1932, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Retail package) "Smethport Brand Creamery Butter * * * McKean County Creamery, Smethport, Pa."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article was labeled "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On October 31, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20318. Adulteration and misbranding of tomato catsup. U.S. v. 8 Cases of Mid-West Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 28418. Sample no. 7294-A.)

This action was based on the shipment of a quantity of canned tomato catsup, samples of which were found to contain excessive mold and added gum.

On or about June 20, 1932, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight cases of tomato catsup, remaining in the original unbroken packages at Brookhaven, Miss., alleging that the article had been shipped in interstate commerce on or about April 22, 1932, by Fraering Brokerage Co., from New Orleans, La., to Brookhaven, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Mid-West Brand * * * Tomato Catsup Made by Midwest Food Packers Inc., Marion, Ind. Made of Fresh Ripe Tomatoes * * * We Guarantee this catsup to be absolutely pure. No preservative or artificial coloring."

It was alleged in the libel that the article was adulterated in that a substance, to wit, tomato catsup containing added gum, had been substituted in whole or in part for the article. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On November 11, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20319. Adulteration and misbranding of imitation lemon flavor. U.S. v. 17 Cases of Imitation Lemon Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28912. Sample no. 642-A.)

This action involved shipments of quantities of imitation lemon flavor, which upon examination was found to be a worthless imitation having no flavor of lemon.

On September 14, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 cases of imitation lemon flavor remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce in part on or about July 3, and in part on or about July 16, 1932, by S. H. Tyler & Son, from San Francisco, Calif., to Tacoma, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "S. H. Tyler & Son, San Francisco, Cal.,"; (carton) "Taylor Brand Imitation Lemon artificially flavored and colored."

It was alleged in the libel that the article was adulterated in that a worthless product devoid of material flavor had been substituted for imitation lemon.

Misbranding was alleged for the reason that the statement "Imitation Lemon" was false and misleading and deceived and misled the purchaser, when applied to a worthless product practically devoid of flavoring value.

On October 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20320. Misbranding of butter. U.S. v. 725 Pounds, et al., of Butter. Product adjudged misbranded and ordered released under bond to be relabeled. (F. & D. nos. 28904, 28905. Sample nos. 8505-A, 8506-A.)

These actions were based on the interstate shipment of quantities of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On August 26 and August 30, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 871 pounds of butter, remaining in the original unbroken packages at Pennbrook, a suburb of Harrisburg, Pa., alleging that the article had been shipped on or about August 13, 1932, by the Sugar Creek Creamery Co., from Evansville, Ind., to Pennbrook, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Sugar Creek Butter Full Weight One Pound"; (wrapper on portion) "One Pound Net Weight."

It was alleged in the libels that the article was misbranded in that the correct net weight was not declared.

The Sugar Creek Creamery Co., Evansville, Ind., filed an answer admitting the allegations of the libel and petitioned release of the product under bond. On October 25, 1932, the cases having been consolidated into one cause of action, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled under the supervision of this Department, and that it should not be sold or disposed of contrary to the laws of the United States or of any State, Territory, or District.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20321. Misbranding of canned red kidney beans, canned black-eyed peas, canned lima beans, and canned brown beans. U.S. v. 8½ Cases of Red Kidney Beans, et al. Products ordered released under bond to be relabeled. (F. & D. nos. 28944, 28945, 28946, 28947. Sample nos. 2238-A, 2239-A, 2240-A, 2241-A.)

These actions involved the shipment of quantities of canned goods which were found to be short weight. Examination also showed that the lima beans and black-eyed peas had been prepared from soaked dry products.

On September 22, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying

seizure and condemnation of $8\frac{3}{4}$ cases of canned red kidney beans, $11\frac{3}{4}$ cases of canned black-eyed peas, $29\frac{3}{4}$ cases of canned lima beans, and $36\frac{3}{4}$ cases of canned brown beans, remaining in the original packages at Clovis, N.Mex., alleging that the articles had been shipped in interstate commerce, in various consignments between the dates of September 25, 1930 and December 16, 1931, by the Waples Platter Co., of Fort Worth, Tex., from Farwell, Tex., to Clovis, N.Mex., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Can) "Wapco Brand Red Kidney Beans [or "Black Eyed Peas", or "Baby Lima Beans", or "Brown Beans"] Contents 16 Oz."

It was alleged in the libel that the articles were misbranded in that the statement on the cans, "Contents Sixteen Oz.", was false and misleading and deceived and misled the purchaser, since the cans were short weight. Misbranding was alleged for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement on the label was incorrect. Misbranding was alleged with respect to the said canned black-eyed peas and lima beans for the further reason that the statements, "Black Eyed Peas" and "Lima Beans", borne on the label, were false and misleading and deceived and misled the purchaser when applied to soaked dry products.

On October 27, 1932, the Waples Platter Co. filed a claim and answer admitting the allegations of the libel, agreed to relabel the products to show the correct weight, and to further relabel those which had been made from dried stock as "Soaked Dry Black Eyed Peas", and "Soaked Dry Lima Beans", respectively. Judgment was thereupon entered ordering that the products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that they be properly relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20322. Misbranding of canned grapefruit juice and canned orange juice. U.S. v. Florida Citrus Products Corporation. Plea of guilty. Fine, \$100. (F. & D. no. 28145. I.S. nos. 34140, 34141.)

This action was based on the interstate shipment of quantities of canned grapefruit juice and canned orange juice, sample cans of which were found to contain less than the declared volume.

On October 21, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Florida Citrus Products Corporation, Lakeland, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, in part on or about June 8, 1931, and in part on or about June 13, 1931, from the State of Florida into the State of New York, of quantities of canned grapefruit juice and canned orange juice that were misbranded. The articles were labeled in part: (Cans) "Honey Moon Brand * * * Grapefruit Juice [or "Orange Juice"] * * * Florida Citrus Products Corporation Lakeland, Florida * * * Contents 56 Fluid Ozs. [or "Contents Not Less Than 56 Fl. Oz.]."

It was alleged in the information that the products were misbranded in that the statements, "Contents 56 Fluid Ozs." and "Contents Not Less Than 56 Fl. Oz.", borne on the can labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since each of a large number of the cans contained less than 56 fluid ounces. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect, the maximum net volume in the cans examined from both products being less than 56 fluid ounces, and the average net volume of the cans examined being not more than 50.37 fluid ounces in the case of the grapefruit juice, and not more than 52.31 fluid ounces in the case of the orange juice.

On October 31, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20323. Adulteration and misbranding of vanillin flavoring. U.S. v. 104 Cases of Vanillin Flavoring. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 28412. Sample no. 9603-A.)

This action was based on the shipment of a quantity of vanillin flavoring which was found to be an artificially colored imitation vanilla extract.

On or about June 20, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 104 cases of vanillin flavoring, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 25, 1932, by the American Stores Co., from Philadelphia, Pa., to Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Diamond Brand Vanillin Flavoring with Caramel * * * Distributed by American Stores Co., Philadelphia, Pa."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the product was an imitation of another article and was not so labeled.

On October 5, 1932, the American Stores Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or disposed of until relabeled so as to conform to the requirements of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20324. Adulteration of canned shrimp. U.S. v. 87 Cartons of Canned Shrimp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 27379. I.S. no. 13060. S. no. 5563.)

This action was based on the interstate shipment of a quantity of canned shrimp, samples of which were found to be decomposed.

On December 14, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 87 cartons of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., consigned by Devitt & Sons, New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 23, 1931, from New Orleans, La., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 26, 1932, by consent of the claimant, Devitt & Son Co., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20325. Adulteration of butter. U.S. v. Gilbert T. Guthrie (Aro Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. no. 28094. I.S. no. 35257.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On June 20, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against Gilbert T. Guthrie, trading as Aro Creamery Co., St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 29, 1931, from the State of Missouri into the State of Indiana, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as required by the act of March 4, 1923.

On October 27, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20326. Adulteration of apples. U.S. v. 519 Baskets of Apples. Product ordered released under bond for separation, and destruction of portion unfit for human consumption. (F. & D. no. 29082. Sample no. 6232-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 5, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 519 baskets of apples at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce, on or about September 19, 1932, by H. M. Seymour, from Fall Creek, Ill., to St. Joseph, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grimes Golden U.S. Utility Grown & Packed by H. M. Seymour, Payson, Ill."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered the article injurious to health.

H. M. Seymour, Payson, Ill., filed a claim and answer admitting the allegations of the libel, and represented that a portion of the product was suitable for consumption as food. On October 27, 1932, the court having found that the unfit portion could be separated from the good portion, a decree was entered ordering the apples released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the portion found unsuitable for human consumption be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20327. Misbranding of red kidney beans. U.S. v. 400 Bags of Red Kidney Beans. Decree of condemnation. Product released under bond to be repacked and weighed. (F. & D. no. 29081. Sample no. 26260-A.)

This action involved the shipment of a quantity of red kidney beans, sample sacks of which were found to contain less than 100 pounds, the declared weight.

On October 18, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 bags of red kidney beans, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 31, 1932, by the Trinidad Bean & Elevator Co., from San Francisco, Calif., to New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Hundred Lbs. When Packed."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Hundred Lbs. When Packed", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 10, 1932, L. H. Hayward & Co., Inc., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be repacked and weighed and that it should not be sold or disposed of until inspected and found to conform to the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20328. Adulteration of cauliflower. U.S. v. 960 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29083. Sample nos. 8510-A, 20360-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 960 crates of cauliflower remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in part on or about September 23 and in part on or about September 26, 1932, by Western Vegetable Distributors, Denver, Colo., and had been transported from the State of Colorado into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, in an amount which might have rendered the article harmful to health.

On October 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20329. Adulteration of canned salmon. U.S. v. 756 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond; unfit portion ordered destroyed. (F. & D. nos. 28936, 28971. Sample nos. 25855-A, 25857-A, 26035-A, 26069-A, 26086-A, 26087-A.)

These actions involved shipments of canned salmon, samples of which were found to be partially decomposed.

On September 26 and October 3, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 756 cases and 113 cartons of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in part on or about September 3, 1932, and in part on or about September 7, 1932, by the Skowl Arm Packing Co., from Skowl Arm, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 20, 1932, the Alaska Salmon Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bonds in the total sum of \$700, conditioned in part that the decomposed portion be separated from the fit portion. It was further ordered that the portion found fit for human consumption be released and that the decomposed portion be destroyed in the process of separation.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20330. Adulteration of canned salmon. U.S. v. 1,224 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond; unfit portion ordered destroyed. (F. & D. no. 28937. Sample nos. 26036-A, 26103-A, 26108-A.)

This action involved a shipment of canned salmon, samples of which were found to be partially decomposed.

On September 26, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,224 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about July 25, 1932, by the Bristol Bay Packing Co., from Naknek, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 20, 1932, the Alaska Salmon Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that the decomposed portion be separated from the fit portion. It was further ordered that the portion found fit for human consumption be released and that the decomposed portion be destroyed in the process of separation.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20331. Adulteration and misbranding of flour. U.S. v. 350 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29037. Sample no. 10900-A.)

This action involved the interstate shipment of a quantity of flour which had been bleached with and contained benzoyl peroxide or its derivative, benzoic acid. Sample sacks examined also were found to be short weight.

On October 13, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 350 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 27, 1932, by the Lakeview Milling Co., from Chambersburg, Pa., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "140 Lbs. Cake Flour Cream of the Lake Lakeview Milling Company, Chambersburg, Pa."

It was alleged in the libel that the article was adulterated in that flour bleached with and containing benzoyl peroxide or its derivative, benzoic acid, had been substituted for the article.

Misbranding was alleged for the reason that the statement "Flour" was false and misleading and deceived and misled the purchaser, when applied to bleached flour containing benzoyl peroxide or its derivative, benzoic acid. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

Leo Zeitlin interposed a claim for the property as agent for the Lakeview Milling Co., Chambersburg, Pa., admitted the allegations of the libel, and consented to the entry of a decree. On November 10, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this Department by stenciling the words "Bleached with Benzoyl Peroxide" on the sacks; and that sufficient flour be added to bring the contents of the sacks up to the declared weight.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20332. Misbranding of rabbit feed. U.S. v. 140 Bags of Feed. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29051. Sample no. 17784-A.)

This action involved the interstate shipment of a quantity of rabbit feed, which contained less protein and fat and more crude fiber than declared on the label.

On October 13, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 140 bags of feed, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 10, 1932, by Fernando Valley Milling & Supply Co., from Los Angeles, Calif., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Fernando Vita-Mixed Rabbit Pellets * * * Crude Protein not less than 16% Crude Fat not less than 4% Crude Fiber not more than 16% * * * Manufactured by Fernando Valley Milling and Supply Co. Los Angeles."

It was alleged in the libel that the article was misbranded in that the statements on the tag, "Crude Protein not less than 16%", "Crude Fat not less than 4%", and "Crude Fibre not more than 16%", were false and misleading and deceived and misled the purchaser.

On October 18, 1932, the Baltimore Feed & Grain Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled, and further conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20333. Adulteration and misbranding of butter. U.S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 29068. Sample no. 4374-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 16, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 7, 1932, by Peter Fox Sons Co., from Watertown, S.Dak., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On October 14, 1932, Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20334. Adulteration of cauliflower. U.S. v. 385 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29134. Sample no. 14222-A.)

This action involved a shipment of cauliflower which was found to bear arsenic in an amount that might have rendered the article injurious to health.

On October 14, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 385 crates of cauliflower, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 11, 1932, by J. C. Stevens, from Riverhead, N.Y., to Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On October 18, 1932, no claim having been entered for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20335. Adulteration of cauliflower. U.S. v. 235 Crates of Cauliflower. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 29136. Sample no. 16727-A.)

This action involved a shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On or about October 11, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 235 crates of cauliflower, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about September 30, 1932, by Z. J. Fort Produce Co., from Denver, Colo., to Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled

in part: "Old Fort Brand Vegetables, Packed by Z. J. Fort Produce Co., Denver, Colo."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, which might have rendered it injurious to health.

On October 14, 1932, the consignor, the Z. J. Fort Produce Co., and the consignee, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20336. Adulteration of canned salmon. U.S. v. 6,478 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond; unfit portion ordered destroyed. (F. & D. nos. 28950, 28960, 28972, 28994. Sample nos. 14845-A, 25853-A, 25870-A, 26063-A, 26089-A, 26115-A.)

These actions involved shipments of canned salmon, samples of which were found to be partially decomposed.

On September 28, October 4, and October 7, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 19,848 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in part on or about August 13, and in part on or about August 18, 1932, by the Standard Packing Co., from Shepard Point, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 28, 1932 and November 1, 1932, the Standard Packing Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bonds in the total sum of \$3,000, conditioned in part that the decomposed portions be separated from the fit portion. It was further ordered that the portion found fit for human consumption be released and that the decomposed portion be destroyed in the process of separation.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20337. Adulteration and misbranding of canned tomato paste. U.S. v. 20 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 28918. Sample no. 7838-A.)

This action involved the shipment of a product represented to be tomato paste, which was found to be a strained tomato product, insufficiently concentrated to be called tomato paste. Sample cans of the article also were found to contain less than the declared weight.

On September 16, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of alleged tomato paste, charging that the article had been shipped on or about August 5, 1932, by Angelo Glorioso, New Orleans, La., to Santurce, P.R., that it was being offered for sale and sold in Puerto Rico, by Jose B. Lopez, Sucs., of Santurce, P.R., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Eagle Brand Tomato Paste, Color Added. Contents 5 Ozs. Net. Salsa Di Pomodoro, * * * Packed by A. Glorioso, New Orleans, La."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated, strained tomato product had been substituted for tomato paste, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Tomato Paste. Contents 5 Ozs. Net", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that the article was in package form and the quantity

of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 25, 1932, M. Lamadrid & Co., San Juan, P.R., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it should not be sold or otherwise disposed of until relabeled to conform to the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20338. Adulteration of cauliflower. U.S. v. 148 Crates of Cauliflower. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 29135. Sample no. 16726-A.)

This action involved an interstate shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On or about October 11, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 148 crates of cauliflower, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 1, 1932, by the Hartner Produce Co., from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, in an amount which might have rendered the article injurious to health.

On October 12, 1932, the Hartner Produce Co. having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20339. Adulteration of pears. U.S. v. 19 Bushels of Clapp Pears. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28986. Sample no. 3493-A.)

This action involved the interstate shipment of a quantity of pears that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On September 1, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 bushels of Clapp Favorite pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 24, 1932, by C. L. Heinlen Co., from Benton Harbor, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On October 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20340. Adulteration of canned salmon. U.S. v. 400 Cases of Canned Salmon. Product ordered released under bond for separation and destruction of unfit portion. (F. & D. no. 28979. Sample no. 2194-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On September 30, 1932, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cases of canned salmon, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about August 25, 1932, by Libby, McNeill & Libby, from Seattle, Wash., to Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Happy-Vale Brand Pink Salmon * * * Packed in Alaska."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 7, 1932, Libby, McNeill & Libby, having filed a claim and answer admitting the allegations of the libel, and having filed a bond in the sum of \$1,250, a decree was entered ordering that the product be released to the said claimant; that it be sorted under the supervision of this Department; and that the portion found to be in sound condition be released and the decomposed portion destroyed. On October 18, 1932, the claimant petitioned the court for permission to ship 28 cases of the goods to Seattle, Wash., for further salvaging in accordance with the terms of the decree. On the same date the court filed an order granting claimant authority to ship the said 28 cases to Seattle; and further ordering that any portion thereof found to be edible be released and the remainder destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20341. Adulteration of canned salmon. U.S. v. 580 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28998. Sample no. 16686-A.)

This action involved a shipment of canned salmon, samples of which were found to be partially decomposed.

On October 4, 1932, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 580 cases of canned salmon, remaining in the original unbroken packages at Charleston, S.C., alleging that the article had been shipped on or about July 30, 1932, by F. A. Gosse Co., from Seattle, Wash., to Charleston, S.C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Cordova Brand Alaska Medium Red Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 29, 1932, the Shepard Point Packing Co., Inc., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20342. Adulteration of canned salmon. U.S. v. 218 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond; unfit portion ordered destroyed. (F. & D. no. 28920. Sample nos. 15247-A, 15321-A.)

This action involved a shipment of canned salmon, samples of which were found to be partially decomposed.

On September 19, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 218 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about August 5, 1932, by the Alaska Salmon Co., from Unalaska, Bristol Bay, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 13, 1932, the Alaska Salmon Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the decomposed portion be separated from the fit portion. It was further ordered that the portion found fit for human consumption be released and that the decomposed portion be destroyed in the process of separation.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20343. Adulteration of cauliflower. U.S. v. 190 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29155. Sample no. 20385-A.)

This action involved a shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 7, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 190 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 27, 1932, by Bourk-Donaldson-Taylor, Inc., from Denver, Colo., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B-D-T-Inc. from Bourk-Donaldson-Taylor, Inc., Denver, Colorado."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On October 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20344. Adulteration and misbranding of vinegar. U.S. v. 20 Barrels of Vinegar. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 28832. Sample no. 17009-A.)

This action involved a product represented to be cider vinegar, which was found to be a mixture of evaporated apple products, vinegar and distilled vinegar.

On August 30, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 barrels of vinegar, remaining in the original packages at Hopkinsville, Ky., alleging that the article had been shipped in interstate commerce, on or about August 7, 1932, by the Speas Manufacturing Co., from Memphis, Tenn., to Hopkinsville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "40 Grain Extra Fancy Table and Pickling Vinegar Old Time Pure Apple Cider Vinegar Manufactured by Speas Mfg. Co., Memphis, Tenn."

It was alleged in the libel that the article was adulterated in that a mixture of evaporated apple products, vinegar and distilled vinegar, had been substituted for the article.

Misbranding was alleged for the reason that the statements on the label, "Vinegar, * * * Pure Apple Cider Vinegar", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 24, 1932, Ragland, Potter & Co., Hopkinsville, Ky., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department, "Distilled and Evaporated Apple Products Vinegar."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20345. Adulteration of canned tomatoes. U.S. v. 997 and 1,998 Cases of Canned Tomatoes. Decrees of condemnation and forfeiture. Portion of product released under bond; remainder destroyed. (F. & D. nos. 28926, 28951. Sample nos. 10477-A, 11719-A.)

These actions involved quantities of canned tomatoes, samples of which were found to contain maggots.

On or about September 20 and 26, 1932, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2,995 cases of canned tomatoes, remaining in the original unbroken packages, in part at Bridgeport, Conn., and in part at East Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about June 15, 1932, by the First National Stores, from Boston, Mass., into the State of Connecticut, and charging adulteration in

violation of the Food and Drugs Act. The article was labeled in part: "Pride of the Farm Brand * * * Tomatoes Thomas Roberts & Co., Philadelphia, Pa., U.S.A. Distributors."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 29, 1932, claimant having appeared and petitioned release of the good portion of the product, and having filed an answer admitting the allegations of the libel and consenting to the destruction of the unfit portion, judgments were entered condemning and forfeiting the property. The decrees provided, however, that portions of the goods identified by certain codes be released to the claimant upon the filing of bonds totaling \$1,000, conditioned that they be disposed of under the supervision of this Department; that the remainder be destroyed and that claimant pay all costs of the proceedings. The goods released under bond were examined and all unfit portions destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20346. Adulteration of canned salmon. U.S. v. 42 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28964. Sample nos. 26074-A, 26094-A, 26107-A.)

This action involved a shipment of canned salmon, samples of which were found to be decomposed.

On September 28, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about August 6, 1932, by the Pioneer Packing Co., from Cordova, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20347. Adulteration and misbranding of rye flour. U.S. v. 140 Sacks, et al., of Flour. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28914, 28939. Sample nos. 10888-A, 10891-A.)

These actions involved the interstate shipment of quantities of a product sold as rye flour, which was found to be an artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid.

On September 16 and September 22, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 322 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce in August 1932, by the Century Milling Co., in part from New Ulm, Minn., and in part from Minneapolis, Minn., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "New Century Rye Flour Pure White Patent The Century Milling Co., Minneapolis, Minn."

It was alleged in the libels that the article was adulterated in that a substance, artificially bleached rye flour, had been substituted for rye flour.

Misbranding was alleged for the reason that the statement on the sacks, "Rye Flour Pure White Patent", when applied to an artificially bleached flour, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article.

Claims were interposed for the property through the American Flour Corporation, agent for the Century Milling Co., New Ulm, Minn., who admitted the allegations of the libels and consented to the entry of decrees. On October 6, 1932, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon

payment of costs and the execution of bonds in the total sum of \$1,000, conditioned in part that it be labeled, under the supervision of this Department, by stenciling the words "Bleached with Benzoyl Peroxide" on the sacks.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20348. Adulteration and misbranding of butter. U.S. v. 40 Cases of Butter. Product released under bond for reworking. (F. & D. no. 28968. Sample no. 17227-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On September 6, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 29, 1932, by Western Creamery Co., from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Meadow Brook Butter Pure Fresh Sanitary One Pound Net Weight Packed Especially for South Gate Public Market * * * South Gate * * * California."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding of the article was alleged for the reason that the statement "Butter" was false and misleading, since it contained less than 80 percent of milk fat.

On September 30, 1932, the Western Creamery Co., Salt Lake City, Utah, claimant, having theretofore admitted the allegations of the libel and having filed a release bond in the sum of \$300, a decree was entered ordering that the product be delivered to the claimant for reworking under the supervision of this Department. On November 22, 1932, the product having been reworked, a final decree was entered ordering that the release be permanent, that the bond be exonerated, and that claimant pay costs of the proceeding.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20349. Adulteration of canned frozen egg yolk. U.S. v. 205 Cans of Frozen Egg Yolk. Consent decree of condemnation and forfeiture. Product released under bond, decomposed portion order destroyed or denatured and used for technical purposes. (F. & D. no. 29020. Sample no. 11022-A.)

This action involved the interstate shipment of a quantity of canned frozen egg yolk, which was found to be in part decomposed.

On October 13, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 205 cans of frozen egg yolk at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about March 16, 1932, by the Hollywood Creamery Co., from Colorado Springs, Colo., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 11, 1932, Emil Fleischl & Son, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that the good portion be separated from the bad under the supervision of this Department; that the portion found fit for human consumption be released and that the decomposed portion be destroyed, or denatured, so as to be made inedible, and disposed of for technical purposes.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20350. Adulteration and misbranding of butter. U.S.v. 150 Cases of Butter. Judgment of condemnation. Product released under bond, to be reworked. (F. & D. no. 29008. Sample no. 26235-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On or about September 23, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 17, 1932, by Borden's Produce Co., Inc., from Willow Springs Division, Springfield, Mo., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cartons) "Mountain Cream Butter * * * Pasteurized Creamery Butter * * * Churned fresh daily for Phillips-Trawick Co. * * * New Orleans, Louisiana."

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the product was labeled "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On October 13, 1932, Borden's Produce Co., Inc., Springfield, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this Department in order to bring it into conformity with the Federal Food and Drugs Act.

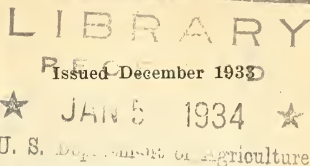
R. G. TUGWELL, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 20176-20350

	N. J. No.
Apple butter :	
Pantry Maide Products Co.	20219
Apples :	
Altensburg, C. E.	20252
Baldaccini, Gust.	20272
Bonnevier, H.	20312
Brainin, Harry	20262
Bransky, S. H.	20263
Dremon, Frank	20256
Dykstra & Sons	20268
Fine, Morris	20259
Garver, James	20311
Guarino, Sam	20251
Hale, A. S.	20313
Hamlin, John	20260
Hill & Son	20273
Hillegonds, H. J., & Sons	20253
Hodgman, Neil	20266
Johns, H. L.	20269
Kelder, Otto	20258
Lyman Bros.	20264
Munson, C. M.	20255
Nicolson, Will	20271
Overhiser, Charles	20257
Reynolds, Daniel	20310
Russell, M. F.	20270
Russel, R. E.	20261
Seymour, H. M.	20326
South Haven Fruit Exchange	20267
Spear, A. N.	20265
Stoerk, August, Inc.	20274
Wark, W. H.	20275
Asparagus, canned :	
Marshall Canning Co.	20177, 20179
Beans, canned :	
Marshall Canning Co.	20177, 20178
Otoe Food Products Co.	20298
Radford, J. M., Grocery Co.	20305
Thriff Packing Co.	20316
Trinidad Bean & Elevator Co.	20327
Universal Manufacturing Co.	20305
Waples Platter Co.	20321
Blueberries :	
Higgins, J. R.	20190
Bluefin herring. <i>See</i> Fish.	
Butter :	
Adrian Creamery	20250
Akron Creamery Co.	20288
Almena Creamery	20189
American Stores Co.	20195
Amery Cooperative Creamery	20280
Amery Cooperative Creamery Assoc.	20191
Apple River & Beaver Creamery Co.	20191
Aro Creamery Co.	20325
Blockton Creamery Co.	20230
Borden Produce Co., Inc.	20211
Borden's Produce Co., Inc.	20350
Bridgewater Creamery Co.	20234
Cole Camp Creamery	20249
Cole, David, Creamery Co.	20182
Emerald Cooperative Creamery Assoc.	20199
Farmers Equity Cooperative Creamery Assoc.	20292
Farmers Equity Creamery	20292
Fox, Peter, Sons Co.	20333
Guthrie, G. T.	20325
Hartford Creamery Co.	20228
Iowa Creamery Co.	20233
Jefferson Creamery	20187

	N. J. No.
Butter—Continued.	
Kimball Creamery Co.	20200
Klock, T. B., & Co.	20238
McIlhane Creamery	20231
McKean County Creamery	20317
Model Creamery Co.	20315
North American Creameries, Inc.	20235
Pettibone Creamery Co.	20181
Plains Cooperative, Inc.	20281
Producers Creamery Co.	20197
Rock County Creamery Co.	20213
Sebeka Cooperative Creamery	20226
Sheldon Creamery Co.	20227
Strawberry Point Farmers Creamery Assoc.	20194
Sugar Creek Creamery Co.	20284, 20306, 20320
Sunburg Cooperative Creamery	20232
Taylor Falls Creamery	20280
Western Creamery Co.	20348
Wilcox Produce, Inc.	20176
Cane sirup. <i>See</i> Sirup.	
Caraway seed :	
Bear Stewart Co.	20225
Catz American Co., Inc.	20240
Evans, David G., Coffee Co.	20248
Gebroeders, N. V., Catz Handelsvereiniging	20290
Habicht Braun Co.	20183
Levy & Levis Co., Inc.	20300
Olender, A., & Son	20247
Van Sillevoldt, C. M.	20242
Wood & Selick, Inc.	20295
Cauliflower :	
Bourk, Donaldson-Taylor, Inc.	20343
Fort, Z. J., Produce Co.	20335
Hartner Produce Co.	20338
Stevens, J. C.	20334
Western Vegetable Distributors.	20328
Chewing gum. <i>See</i> Fruit Chews; Fruiti-Chews.	
Coffee :	
Mauzy-Cole Co.	20218
Corn, canned :	
Marshall Canning Co.	20177
meal :	
Gwinn Milling Co.	20198
Cottonseed cake. <i>See</i> Feed.	
meal. <i>See</i> Feed.	
Crab meat. <i>See</i> Shellfish.	
Currants :	
Northern Fruit Co.	20188
Seymour, Joe	20188
Egg yolk, frozen :	
Hollywood Creamery Co.	20349
Eggs :	
Manning, L. N.	20220
Vilas Co.	20220
frozen :	
Emulsol Corporation	20221
Feed :	
Shenandoah Milling Co.	20289
cottonseed cake :	
El Paso Refining Co., Inc.	20278
and meal :	
Independent Cotton Oil Co. of Wagoner	20202
meal :	
Rome Oil Mill, Inc.	20203

	N. J. No.		N. J. No.
Feed—Continued.		Pears :	
hog and cow feed :		• Heinlen, C. L., Co.-----	20339
Carolina Flour Mills-----	20289	Lambert Marketing Co.-----	20193,
Shenandoah Milling Co.-----	20289		20201, 20212
middlings :		Peas, black-eyed, canned :	
Gwinn Milling Co.-----	20198	Radford, J. M., Grocery Co.---	20305
and screenings :		Thrifty Packing Co.-----	20316
Gwinn Milling Co.-----	20208	Universal Manufacturing Co.---	20305
rabbit :		Waples Platter Co.-----	20321
Fernando Valley Milling &		Pepper :	
Supply Co.-----	20332	Hudson Tea & Spice Co.-----	20299
shipstuff with screenings :		Pickles, dill :	
Shenandoah Milling Co., Inc.---	20207	Southern Manufacturing Co.---	20224
Fish :		Picking spices. <i>See</i> Spices.	
bluefin herring :		Poppy seed :	
Ege, R.-----	20196	Geisdorfer & Vermeys-----	20236
herring :		Wambersie & Zoon-----	20236
Carlson, Thor-----	20245	Potatoes :	
Mickelsen, H.-----	20222	Briggs, George, & Son-----	20239
salmon, canned :		Preserves :	
Alaska Salmon Co.-----	20342	Pantry Maide Products Co.---	20219
Altoona Packing Co.-----	20205	Pumpkin, canned :	
Bayview Packing Co.-----	20206	Marshall Canning Co.-----	20177
Bristol Bay Packing Co.-----	20330	Otoe Food Products Co.-----	20298
Chinook Packing Co.-----	20314	Rhubarb, canned :	
Demmert Packing Co.-----	20210	Pettit, Ivans.-----	20215
Ellson Packing Co.-----	20241	Rye flour :	
Gosse, F. A., Co.-----	20341	Century Milling Co.-----	20286, 20347
Libby, McNeill & Libby-----	20340	Christian Mills, Inc.-----	20184
Peratovich, R. J.-----	20206	Eagle Roller Mills Co.-----	20286
Pioneer Packing Co.-----	20346	Wisconsin Milling Co.-----	20302
Shepard Point Packing Co.---	20246	Salmon. <i>See</i> Fish.	
Skowl Arm Packing Co.-----	20329	Sauerkraut, canned :	
Standard Packing Co.-----	20336	Marshall Canning Co.-----	20178
Superior Packing Co.-----	20186, 20301	Shellfish :	
Wrangell Packing Corpora-		crab meat :	
tion-----	20214	Coston Co., Inc.-----	20307
Flavor, lemon :		Hunt, P. K., & Son-----	20304
Tyler, S. H., & Son-----	20319	Watkins, E. L.-----	20180
vanillin :		oysters, canned :	
American Stores Co.-----	20323	Smith, E. A., Corporation-----	20203
Flour :		shrimp, canned :	
Gwinn Milling Co.-----	20198	Biloxi Canning & Packing Co.---	20308
Lakeview Milling Co.-----	20331	Devitt & Sons-----	20324
Shenandoah Milling Co.-----	20289	United Packing Co.-----	20279
Fruit Chews :		United Rice Milling Products	
Epstein, S. S.-----	20223	Co.-----	20279
Fruiti-Chews :		Sirup, cane :	
Epstein, S. S.-----	20223	Cunningham, A. O.-----	20297
Grapefruit juice, canned :		Spices, pickling :	
De Soto Canning Co.-----	20294	Hudson Tea & Spice Co., Inc.---	20287
Florida Citrus Products Cor-		Shipstuff with screenings. <i>See</i> Feed.	
poration-----	20322	Strawberries, frozen :	
Herring. <i>See</i> Fish.		Moffett, S. A., Co.-----	20229
Hominy, canned :		Tomato catsup :	
Marshall Canning Co.-----	20177, 20178	Craig, Wm., Canning Co.-----	20276
Jam, grape :		Fraser Brokerage Co.-----	20318
Pantry Maide Products Co.---	20219	Midwest Food Packers, Inc.---	20318
Jelly :		Woods Cross Canning Co.---	20254
Musselman, C. H., Co.-----	20296	paste :	
Lemon flavor. <i>See</i> Flavor.		Glorioso, Angelo-----	20337
Marjoram :		Mitchell, John S., Inc.-----	20192
Knickerbocker Mills-----	20209	Tomato Products Co.-----	20282
Marmalade, orange :		sauce :	
Pantry Maide Products Co.---	20219	Faesana Packing Co.-----	20216
Middlings. <i>See</i> Feed.		Scaramelli & Co., Inc.-----	20216
with screenings. <i>See</i> Feed.		Tomatoes, canned :	
Mustard, prepared :		First National Stores-----	20345
Kaplan, B. W.-----	20204	Robinson, W. E., & Co.-----	20244
National Grocers Sundries Co.---	20204	Udo Taormina Corporation-----	20303
seed :		Victor Preserving Co.-----	20309
Catz American Co., Inc.-----	20243,	Vanillin flavor. <i>See</i> Flavor.	
	20283	Vinegar :	
Van Lessen, Richardson & Co.---	20291	Kaplan, B. W.-----	20204
Oil, olive :		National Grocers Sundries Co.---	20204
Giacovelli, Leonard-----	20285	Radford, J. M., Grocery Co.---	20237
Orange juice, canned :		Speas Manufacturing Co.-----	20344
Florida Citrus Products Corp.---	20322	Universal Manufacturing Co.---	20237
Oysters. <i>See</i> Shellfish.		Whitehead-Kiesel Co.-----	20217
Peanuts, shelled :		Walnut meats :	
Planters Nut & Chocolate Co.---	20185	Mayer, Leon-----	20277



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

20351-20400

[Approved by the Acting Secretary of Agriculture, Washington, D.C., December 1, 1933]

20351. Misbranding of radium ointment. U.S. v. 11 Jars of Radium Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28366. Sample no. 9565-A.)

The product involved in this action was represented to be a radium preparation; the radium content of the article, however, was found to be negligible, any therapeutic effects resulting from its use being dependent upon other drugs present.

On June 9, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 jars of radium ointment, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about May 5, 1932, by the Denver Radium Service, from Denver, Colo., to Norfolk, Va., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium carbonate, small proportions of isopropyl alcohol, quinine and volatile oils such as camphor, eucalyptol and menthol, soap, paraffin compounds, water, and a radioactive substance. The radium content was 13.4 millimicrograms per gram.

It was alleged in the libel that the article was misbranded in that its name, "Radium Ointment", was misleading, since it contained drugs other than radium, upon which drugs the therapeutic effect of the article would be dependent and not upon radium, since the radium content was negligible.

On November 10, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20352. Adulteration and misbranding of Or-Aid. U.S. v. 33 Packages of Or-Aid. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28954. Sample no. 4964-A.)

Examination of the drug product Or-Aid disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed for the article that it would destroy germs and bacteria, whereas it would not destroy germs and bacteria when used as directed.

On September 27, 1932, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 33 packages of Or-Aid, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about June 16, 1932, by Warner's Renowned Remedies Co., from Minneapolis, Minn., to Milwaukee, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Or-Aid * * * Or-San Co., Minneapolis, Minn."

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc chloride, zinc sulphate, boric acid, and water, colored

green and flavored with peppermint oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the label that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely: (Carton) "Destroys Germs"; (circular) "Destroys Germs * * * It is a germicide * * * since bacteria can be killed * * * by the use of Or-Aid."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "Destroys Germs"; (circular) "Destroys Germs * * * It is a germicide * * * The formula contains * * * Emitine Hydro-chloride, * * * and germicidal oils * * * 'Bacteria are always present in the mouths of people from the first day of life. They develop and multiply wherever there is dead organic matter to decompose, together with warmth, moisture and darkness. The mouth offers the last three requirements for bacterial growth perfectly, and usually there is sufficient accumulation of food particles, stagnant saliva, mucous, and other material lodged between the teeth and coating both them and the tongue to furnish the dead organic matter on which the germs live. One milligram of the soft deposits scraped from the teeth of a person who keeps his mouth very clean will contain 6,000,000 bacteria, and when the teeth are allowed to get dirty and the bacteria can multiply undisturbed, this number rises until a milligram of deposit may contain 600,000,000 or more bacteria.' However, since bacteria can be killed * * * by the use of Or-Aid." Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, appearing on the carton and bottle labels and in a circular shipped with the article, were false and fraudulent: (Carton) "Antitoxic * * * Pyorrhea preparation Destroys Germs, Heals Gums, Saves Teeth"; (bottle label) "Pyorrhea. Use as above until soreness of gums has sufficiently diminished to permit the dentist to clean and scale tartar from teeth * * * To prevent Pyorrhea, Or-Aid should be used as above at least twice a day, morning and evening. * * * Pyorrhea remedy * * * Antitoxic * * * For the Treatment of Pyorrhea, Trench Mouth, Bleeding Gums, Loose Teeth and Other Oral Infections * * * To Eradicate Pyorrhea"; (circular) "Pyorrhea Preparation * * * Antitoxic * * * Destroys Germs Heals Gums Saves Teeth * * * For the treatment of Pyorrhea, Trench Mouth, Bleeding Gums, Loose Teeth and other oral infections, the powerful * * * Pyorrhea Preparation, Or-Aid, is particularly effective. By its use great suffering and discomfort may be prevented and many teeth, which would otherwise have to be removed, may be saved. * * * Or-Aid destroys Pyorrhea and prevents it from making inroads on one of your most cherished possessions—your teeth. Or-Aid stimulates healthy tissues besides healing diseased tissue. It should be used daily when the mouth is free from infection to keep it in that healthy condition. It is indispensable when infection is present. * * * we recommend its use for Pyorrhea, Trench Mouth, Bleeding Gums and other oral infections. It is also fine for cuts, itches, minor skin infections * * * Pyorrhea—When the condition known as Pyorrhea has developed, the causes of the infection have penetrated deeply into the tissues and are present in large groups in pockets or recesses in the gums and around the teeth. * * * the simple technique involved in the administration of Or-Aid makes its use practical. The results being quick and satisfactory. * * * However, since * * * Pyorrhea prevented by the use of Or-Aid, why permit yourself to become a victim of it? The daily use of this powerful yet pleasant preparation will greatly minimize, if not wholly destroy chances of serious infection. Many dentists and laymen consider it an absolute preventive. * * * For the Dentist Pyorrhea * * * Trench Mouth (Vincent's Stomatitis)."

On November 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20353. Misbranding of Cow-Calf compound. U.S. v. The Froberg Remedy Co., and John W. Froberg. Case dismissed as to Froberg Remedy Co. Plea of guilty by John W. Froberg. Fine, \$200. (F. & D. no. 28127. I.S. nos. 15279, 24476.)

Examination of the drug preparation, Cow-Calf compound, disclosed that the article contained no ingredient or combination of ingredients capable of pro-

ducing certain therapeutic effects claimed on the bottle label and in a circular shipped with the said article.

On September 29, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Froberg Remedy Co., a corporation, and John W. Froberg, Valparaiso, Ind., alleging shipment by said defendants, under the name of Dr. W. A. Bozarth, in violation of the Food and Drugs Act, as amended, on or about February 16, 1931, and March 24, 1931, from the State of Indiana into the States of Wisconsin and Illinois, respectively, of quantities of the said Cow-Calf compound, which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of phenol (2.53 grams per 100 cubic centimeters), a trace of chlorinated lime, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the said article, appearing on the bottle labels and in accompanying circulars, falsely and fraudulently represented that it was effective as a treatment for the prevention of abortion; effective as a treatment, remedy, and cure for abortion; effective as a treatment for the prevention of contagious abortion; effective to stop every case of abortion; and effective to insure the birth of healthy calves.

On November 10, 1932, on motion of the Government, the information was dismissed as to the Froberg Remedy Co. A plea of guilty was entered by defendant, John W. Froberg, and the court imposed a fine of \$200.

R. C. TUGWELL, *Acting Secretary of Agriculture.*

20354. Misbranding of Ergot-Apiol. U.S. v. 34 Packages of Ergot-Apiol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29021. Sample no. 20453-A.)

Examination of the drug product, Ergot-Apiol, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 10, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 packages of the said Ergot-Apiol, remaining in the original unbroken packages at Bayonne, N.J., alleging that on or about September 3, 1932, the Chermak Drug Co., of Bayonne, N.J., had transported the article from the premises of the American Pharmaceutical Co., Inc., of New York, N.Y., to Bayonne, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of material derived from plants, including a nonvolatile oil such as apiol, and a volatile oil such as savin oil. It contained no ergot alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the tin container and carton, and in a circular shipped with the article, regarding its curative or therapeutic effects, were false and fraudulent: (Tin container) "For Amenorrhea, Dysmenorrhea, and Menstrual Disorders"; (carton) "For Amenorrhea, Dysmenorrhea, and Menstrual Disorders"; (circular) "For Amenorrhea, Dysmenorrhea, and Menstrual Disorders. * * * For The Treatment of Menstrual Disorders Relieves Pain * * * for use in the treatment of Menstrual disorders. * * * Amenorrhea—When menstrual flow is absent or scanty as a result of shock, exposure, or nervous strain, 1 capsule should be given 3 times a day for 3 days, then increased to 2 capsules 3 times a day until flow has been established, when it is reduced to one capsule twice a day. Dysmenorrhea—In cases where the complaint is chronic, Ergot-Apiol should be taken a few days in advance of the period and continued until the flow has ceased. In most cases one capsule 4 times a day is sufficient, but when pain is unusually severe 2 capsules may be given 4 times a day. Monorrhagia—When the flow is excessive, resulting in weakness and lack of energy, one capsule may be administered 4 times a day. Menostasis—To re-establish the flow 2 tablets may be administered 3 or 4 times a day, in conjunction with frequent sitz baths if preferred. Menopause—* * * an aid to easing the disturbances attending final cessation of the menstrual functions."

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20355. Adulteration and misbranding of ether. U.S. v. Nine 5-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29012. Sample no. 15163-A.)

This action involved a quantity of ether, samples of which were found to contain peroxide, a decomposition product.

On October 10, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine 5-pound cans of ether, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about May 6, 1932, by the Mallinckrodt Chemical Works, from St. Louis, Mo., to Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ether, U.S.P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U.S.P.", was false and misleading.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20356. Misbranding of Painallay. U.S. v. 36 Bottles, et al., of Painallay. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 29040. Sample nos. 6230-A, 6231-A.)

Examination of the drug preparation Painallay disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed for the article that it was not a phenol (carbolic acid) preparation, and that it contained no beechwood creosote, whereas it contained cresol, which is chemically related to carbolic acid and beechwood creosote.

On October 14, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 bottles, 50-cent size, and 10 bottles, 1-dollar size, of the said Painallay, at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about September 12, 1932, by the Painallay Co., from Kansas City, Mo., to Wichita, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of cresol (1 percent), small proportions of glycerin and saccharin, and water (98 percent).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle labels were false and misleading, since the article contained a phenolic body, namely, cresol, which is chemically related to carbolic acid and beechwood creosote: "Painallay is not a Phenol (Carbolic Acid) preparation. Neither does it contain Beechwood Creosote and should not be mistaken as a product containing these ingredients." Misbranding was alleged for the further reason that the following statements appearing on the bottle labels were false and fraudulent: "Painallay a preparation beneficially efficient in the treatment of Mouth and Throat infections and as a general prophylactic. * * * (healing) and relieves pain. As a Daily Mouth Wash and Gargle it promotes a healthy condition to the tissues by destroying bacteria. Painallay * * * For Mouth and Throat A Scientific * * * Anodyne, Relieves Pain and Heals Beneficial in the treatment of * * * Pyorrhea, Trench Mouth or Vincent's, Tonsillitis, etc. * * * Directions For all mouth and throat infections it is always advisable to consult your dentist or physician without delay. Painallay is exceedingly beneficial in the treatment of the following and other infections to give relief from

pain and hasten the process of healing: Pyorrhea and Inflamed Gums—Use full strength several times a day, slushing well between the teeth for 3 or 4 minutes. Dilute to a weaker solution as case improves. * * * Vincent's or Trench Mouth—Follow directions as for pyorrhea. Use frequently and continue indefinitely even after case seems apparently cured. Extractions—After removal of teeth * * * keep out infection * * * Sores—Saturate gauze or cotton and bandage on wound."

On November 8, 1932, the Painallay Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this Department, and that it should not be sold or offered for sale in violation of any existing law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20357. Adulteration of Dr. Cates' Cato tooth paste. U.S. v. Cato Chemical Co. Plea of guilty. Fine, \$50. (F. & D. no. 26664. I.S. no. 8139.)

This action was based on the shipment in interstate commerce of a product represented to be an antiseptic and germicide. Bacteriological examination showed that the article was not an antiseptic and germicide when used according to directions.

On February 11, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Cato Chemical Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 13, 1930, from the State of Missouri into the State of Tennessee, of a quantity of Dr. Cates' Cato tooth paste that was adulterated. The article was labeled in part: (Tube) "Dr. Cates' Cato Tooth Paste * * * A harmless antiseptic"; (carton) "Germicide, antiseptic."

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, potassium chlorate, a magnesium compound, talc, and water, flavored with peppermint oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be an antiseptic and germicide, whereas it was not an antiseptic and was not a germicide.

On October 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20358. Adulteration and misbranding of fluidextract of ergot. U.S. v. Eleven 1-Pint Bottles of Fluidextract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27652. I.S. no. 46167. S. no. 5700.)

This action involved a quantity of a product represented to be fluidextract of ergot of pharmacopoeial standard which, upon examination, was found to possess a potency of not more than one half of that required by the United States Pharmacopoeia.

On January 13, 1932, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eleven 1-pint bottles of fluidextract of ergot, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about December 12, 1931, by the Standard Pharmaceutical Corporation from Baltimore, Md., to Atlanta, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fluidextract Ergot (Fluidextractum Ergotae) U.S.P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia and its own standard of strength was not stated upon the container. Adulteration was alleged for the further reason that the strength of the article fell below the professed standard of quality under which it was sold,

namely, "Fluidextract Ergot (Fluidextractum Ergotae) U.S.P. * * * Each cc. of this extract represents one gram or each fluidounce 456 grs. of Ergot."

Misbranding was alleged for the reason that the statements on the label "Fluidextract Ergot (Fluidextractum Ergotae) U.S.P. Physiologically Tested * * * Each cc. of this extract represents one gram or each fluidounce 456 grs. of Ergot", were false and misleading.

On November 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20359. Misbranding of Painallay. U.S. v. 68 Bottles of Painallay. Default decree of condemnation, forfeiture, and destruction. F. & D. no. 27687. I.S. nos. 44456, 44469. S. no. 5750.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On January 27, 1932, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 bottles of Painallay, remaining in the original unbroken packages at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce on or about November 23, 1931, by the Painallay Co. from Kansas City, Mo., to Fort Smith, Ark., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of cresol (1 percent), small proportions of glycerin and saccharin, and water (98 percent).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Bottle label) "Painallay * * * For Mouth and Throat A Scientific * * * Anodyne Relieves Pain and Heals Beneficial in the treatment of * * * Pyorrhea, Trench Mouth or Vincent's, Tonsillitis, etc. * * * Painallay a preparation beneficially efficient in the treatment of Mouth and Throat infections and as a general prophylactic. It * * * (healing) and relieves pain. As a Daily Mouth Wash and Gargle it promotes a healthy condition to the tissues by destroying bacteria. Directions For all mouth and throat infections * * * Painallay is exceedingly beneficial in the treatment of the following and other infections to give relief from pain * * * Pyorrhea and Inflamed Gums—Use full strength several times a day, slushing well between the teeth for 3 or 4 minutes. Dilute to a weaker solution as case improves. * * * Vincent's or Trench Mouth—Follow directions as for pyorrhea. * * * continue indefinitely even after case seems apparently cured. Extractions—After removal of teeth * * * keep out infection. * * * Sores—Saturate gauze or cotton and bandage on wound."

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20360. Misbranding of Photo-Synthetic tea. U.S. v. Charles F. Diller (Photo-Synthetic Tea Co.). Plea of nolo contendere. Fine, \$25. (F. & D. no. 27533. I.S. no. 30613.)

Examination of the drug product on which this action was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Charles F. Diller, trading as the Photo-Synthetic Tea Co., Lancaster, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about June 24, 1931, from the State of Pennsylvania into the State of Massachusetts, of a quantity of Photo-Synthetic tea that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of ground *Equisetum arvense*.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the said article, falsely and fraudulently represented that it was effective, among other things, as a relief for diabetes; and effective to prevent anemia by making the sugar normal and the blood red.

On November 4, 1932, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture*.

20361. Misbranding of Thynn Tabs. U.S. v. 127 Packages, et al., of Thynn Tabs. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 29043, 29044, 29045, 29046, 29047, 29077, 29093. Sample nos. 9499-A, 12171-A, 20376-A, 20391-A, 20392-A, 22299-A, 22300-A, 22533-A, 28826-A.)

Examination of samples of the drug preparation Thynn Tabs disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed for the article that it contained no drugs, whereas analyses showed the presence of drugs. The matter was reported by the Secretary of Agriculture to the United States attorneys in whose districts various lots of the product were located.

On October 13, 14, 17, and 19, 1932, the United States attorneys for the Districts of Massachusetts, New Jersey, and Maryland and the Eastern District of Pennsylvania filed in the respective Federal District Courts, libels praying seizure and condemnation of various lots of Thynn Tabs at Springfield, Mass., Paterson, N.J., Baltimore, Md., and Philadelphia, Pa. On October 17, 1932, the United States attorney for the District of Columbia filed in the Supreme Court of the District of Columbia, holding a District Court, libels praying seizure and condemnation of quantities of the product at Washington, D.C. The said libels charged the following interstate shipments of the product: 127 packages shipped by the National New York Packing Co., from New York, N.Y., to Springfield, Mass., on or about September 22, 1932, the said shipment having been invoiced by the Obesity Research Bureau, Inc.; 112 packages shipped, on or about October 1, 1932, by the Obesity Research Bureau, by messenger, from New York, N.Y., to Paterson, N.J.; 538 packages shipped by the Obesity Research Bureau, Inc., from Newark, N.J., to Philadelphia, Pa., on or about September 21, 1932; and 1,234 packages shipped by the Obesity Research Bureau, Inc., from New York, in various consignments between the dates of August 1, 1932, and October 8, 1932, from New York to Philadelphia, Pa., Baltimore, Md., and Washington, D.C. It was further alleged in the libels that the article was misbranded in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a laxative drug such as rhubarb, other powdered vegetable material including marine algae, sugar, inorganic material including chlorides and sulphates of sodium and magnesium, and a material supplying a trace of iodine.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing in a circular shipped with the said article were false and misleading: "Containing no drugs, * * * Thynn Tabs, which with the Thynn Tab Method, aids normal slenderizing without the use of drugs."

Misbranding was alleged for the further reason that the following statements appearing on the carton and in the said circular were false and fraudulent: (Carton) "Thynn Tabs * * * Obesity Research Bureau"; (circular) "What Price Overweight? [A triangle design depicting a slender human figure and the legend "Thynn Tabs an aid to normal slenderizing"] Obesity Research Bureau * * * The information set forth in the following pages represents the result of years of research and study in connection with Overweight and its ill effects on the human system. Technical phrases and obscure words have been eliminated; you are told in simple language the why and wherefore of Overweight and what must be done to eliminate this condition. * * * How Many Years Do Those Extra Pounds Cost? You can't run an automobile when the motor is clogged with carbon. Fatty tissue is the carbon of the body. Like carbon in the motor, it slows down action—clogs the

works—and cuts years from life. Every part of the motor that carries excess carbon is subject to extra wear, heavy friction, and rapid breakdown. Organs in the body burdened with excess fat, carry too heavy a load, are overlaid with clogging tissue, and apt to break down with disease. Insurance statistics prove that increased weight means less years of life. A person with great weight is a poor risk for an insurance company. Wisdom In Reducing That final authority on your chances for a long life, Dr. Dublin, says, 'It is wise for people to keep within the figures of the standard table (the weight table given on the following pages), and after they are at the age of thirty-five it would be even better if they could lop off a few pounds from the normal.' But lopping off these pounds must be done with care. Too rapid reducing is dangerous to the health and causes wrinkles. Thynn Tabs and the Thynn Tab method containing no drugs, no dangerous chemicals and no thyroid—give you a sensible, safe means of attaining ideal weight gradually. If your heart, lungs, liver and other organs are burdened with layers of fat, remove the excess tissue before it strains those organs too greatly, and diabetes, high-blood pressure and other diseases set in. Have you ever asked yourself, 'Where are the fat men or women at fifty-five?' Yet you see many lean people who at sixty are looking forward to several decades more of useful life. Good Health While Reducing While beauty is the wish of every normal woman, some fail to realize that it cannot exist without good health. Many women—in an effort to obtain the 'perfect' silhouette—diet so stringently that they endanger their health and destroy the very thing they strive to improve—their beauty. They fail to consider that starvation is possible even when large quantities of food are consumed. They do not know that what must be considered in food is quality, not quantity. All diet must contain certain vital life elements necessary to health. The Thynn Tab method of reducing considers it a matter of paramount importance that these elements be supplied. Thynn Tab diets avoid all danger of starvation. Dangers of too Rapid Reducing You have seen women who suddenly become drawn, haggard and wrinkled through rapid reducing. They have withdrawn the vital elements from their diet. They expect the motors, which are their bodies, to run without fuel. The Thynn Tab Method prevents such an occurrence. By following the chemically-balanced Thynn Tab diets, contained on the following pages, which will supply you with an abundance of food, and taking a Thynn Tab after each meal, the vital elements necessary are fed to your system all during the period you are trying to remove excess fat. The skin of every individual fits the body it covers. As the body grows in height or width, the skin stretches and grows with it, continuing to fit it perfectly. Should the body suddenly grow much smaller—through illness or rapid reducing—the skin does not shrink with it, but lies in folds or wrinkles. This causes the aged, worn look so often seen following severe illness or rigid dieting or quick loss of weight. The Thynn Tab Method is gradual. Proper Diet No longer need you feel that to 'diet' means to forego all the foods you like best. The following chemically balanced, scientifically planned menus, arranged by Dr. W. Robert Keashen, well-known food expert, allow you to have big meals, well-balanced, appetizing and satisfying.

Breakfast

Juice One Orange
Steel Cut Oatmeal
Slice Toast
Glass Skim Milk
One Thynn Tab

Dinner

Vegetable Broth
Slice Roast Beef
3 Heaping Tablespoons Spinach
3 Heaping Tablespoons String Beans
Tomato and Lettuce Salad*
Sliced Orange with Fresh Grated Coconut
Cup of Tea with Lemon
One Thynn Tab

Supper

Smoked Salmon
3 Slices Baked Egg Plant
Sauer Kraut
Watercress
Fresh Berries
Skim Milk
One Thynn Tab

Breakfast

Stewed Rhubarb
2 Slices Toast
Tea or Coffee*
One Thynn Tab

* No Sugar or Cream.

Dinner

Barley Broth
Salty Fish
Asparagus
Boiled Onions
Artichoke Salad
Blanc Mange
Glass Hot Orange Juice
One Thynn Tab

Supper

2 Lamb Chops, Broiled
Swiss Chard
3 Tablespoons Brussels Sprouts
Raw Cabbage—Carrot—Celery Salad
Sliced Grapefruit
Glass Warm Orange Juice
One Thynn Tab

* * * After each meal, be sure to take one Thynn Tab, which with the Thynn Tab Method, aids normal slenderizing, without the use of drugs, dangerous chemicals, or thyroid. Results are usually satisfactory when this method is followed. A daily improvement is far better than rapid reducing accompanied by wrinkles and impaired health. Are You A Sylph Or A Satire? Fitted fashions on the woman who carries no excess weight make her appear a veritable sylph on whom men and women feast their eyes. These same fashions on the woman burdened with layers of fatty tissue make her a satire of the mood. Reduce to beauty—and achieve beauty while reducing. That is the idea of the Thynn Tab method. But, like all worth-while accomplishments, success is not attained in a day. Try the diet followed by Thynn Tabs for six weeks in order to assure yourself that it is successful. Then you will be anticipating the sensation you will make in the clothes which make the most of your new slim lines. Think of the joy you will have in leaving the 'satire' group . . . and the added joy of becoming a 'sylph' and arousing admiration. To leave this 'Satire' group demands only the simple attention of following the meals suggested above and the Thynn Tab taken after each of them. Surely you want to join the group of 'Sylphs' and leave the 'Satire' group. The Price Of Overweight. There is a high price exacted of the person carrying excess weight. As explained, it is the slowing up of the vital organs and shortening of the years of life. Perhaps the real explanation of the boasted good nature of the fat person is the subconscious realization that with fewer years to live than people of normal weight, he must make those he has, pleasant years. That overweight does actually shorten life is shown by this table of the insurance companies: If you are Overweight your chances of longer life are decreased by

5 pounds-----	10%	45 pounds-----	55%
10 pounds-----	12%	50 pounds-----	60%
15 pounds-----	18%	55 pounds-----	65%
20 pounds-----	22%	60 pounds-----	71%
25 pounds-----	26%	65 pounds-----	78%
30 pounds-----	32%	70 pounds-----	85%
35 pounds-----	40%	75 pounds-----	92%
40 pounds-----	49%	80 pounds-----	100%

Is overweight worth its price . . . the price of ridiculous appearance, lowered disease resistance, shorter life? Or is it worth the self-control of the safe, sane diet, and Thynn Tabs after each meal, given here to endeavor to attain normal weight? The 'Weight' Of All Flesh. There is an ideal weight for every age, and every height. To possess that ideal weight is to improve your health—your looks—and add to your zest in living. Here is the standard table of height and weight, based on the findings of the Medico-Actuarial investigation. The standard weight for men is one to three pounds heavier than that of women of the same age and height."

On November 16, November 18, and December 9, 1932, no appearance or claim having been entered in any of the cases, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20362. Adulteration and misbranding of F. W. McNess' Extract of Cod Liver Oil-Tonic and misbranding of Pain Oil and Menthoform. U.S. v. 196 Dozen Bottles of Pain Oil, et al. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 27909, 27992. I.S. nos. 42337, 42338, 42349. S. nos. 5933, 6047.)

Examination of the drug preparations Pain Oil and Menthoform, two of the products covered by these cases, disclosed that the articles contained no in-

gredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. The remaining product, known as McNess' Extract of Cod Liver Oil-Tonic was found, upon examination, to contain no appreciable amount, if any, of vitamin D, one of the two therapeutically important constituents of cod-liver oil.

On March 14 and April 11, 1932, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 196 dozen bottles of Pain Oil, 100 dozen bottles of Menthoform, and 137 dozen bottles of McNess' Extract of Cod Liver Oil-Tonic. It was alleged in the libels that the said Pain Oil and Menthoform had been manufactured by the Furst-McNess Co., of Freeport, Ill.; that the said products and a consignment of McNess' Extract of Cod Liver Oil-Tonic, had been shipped in interstate commerce on or about February 19, 1932, by Furst & Thomas Co., from Freeport, Ill., to Baltimore, Md., where they remained in the original unbroken packages; that the said McNess' Extract of Cod Liver Oil-Tonic was adulterated and misbranded in violation of the Food and Drugs Act; and that the Pain Oil and Menthoform were misbranded in violation of the said act as amended.

Analyses of samples of the articles by this Department showed that the Extract of Cod Liver Oil-Tonic consisted essentially of calcium, sodium, iron, manganese, and potassium compounds, hypophosphites, alkaloids of nux vomica, quinine, malt extract, alcohol (17.3 percent by volume), sugar, and water. Biological examination showed that the article did not possess any vitamin-D potency. The Pain Oil consisted essentially of volatile oils, including mustard oil, methyl salicylate, and eucalyptol, alcohol (60 percent by volume), and water. The Menthoform consisted essentially of small proportions of volatile oils, including cassia oil and menthol, formaldehyde, glycerin, alcohol, and water, colored with a red dye.

Adulteration of the said McNess' Extract of Cod Liver Oil-Tonic was alleged in the information for the reason that its strength fell below the professed standard under which it was sold, namely: (Bottle label and circular) "Extract of Cod Liver Oil-Tonic"; (bottle label) "A * * * Preparation of an Extract of Cod Livers"; (circular) "A * * * Tonic combining the active principles of Cod Livers * * * It is a tonic containing the well known properties of the Extract of Cod Livers."

Misbranding of the said McNess' Extract of Cod Liver Oil-Tonic was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Bottle label) "Extract of Cod Liver Oil-Tonic * * * A * * * Preparation of an Extract of Cod Livers"; (circular) "Extract of Cod Liver Oil-Tonic * * * A * * * Tonic combining the active principles of Cod Livers freed from objectionable fats and oils, * * * Extract of Cod Liver Oil-Tonic is more than a mere tonic. It is a tonic containing the well known properties of the Extract of Cod Livers, * * * We do not represent this preparation to have the reconstructive properties of Cod Liver Oil but do append the next paragraph as a matter of general information. Cod Liver Oil has been regarded by physicians for many years as possessing remarkable nutritive and flesh building properties, but on account of its disagreeable and nauseating taste and smell few people who really needed it could take it or assimilate it."

Misbranding of the said Pain Oil was alleged for the reason that the following statements appearing on the bottle label and in an accompanying circular were false and fraudulent: (Label) "Pain Oil * * * Apply as a Liniment for Rheumatic Pains, * * * Toothache, Earache * * * Chilblains, Pains * * * Take internally in water for Cramps, Pains, Hiccoughs, Diarrhoea"; (circular) "Pain Oil A valuable preparation for allaying pain. For external and internal use. * * * For External Use * * * for allaying the pain of * * * Sciatic * * * for relieving Muscular Rheumatism, for * * * Sterilizing and reducing Inflammation of Cuts, Wounds, * * * Chilblains, * * * For Internal Use Take internally in water for Cramps, Pains, Hiccoughs, Diarrhoea * * * Stop The Pain With Pain Oil * * * Pain Oil 'Good For Most Everything That Hurts' * * * The prime consideration that confronts one in the treatment of cuts and flesh wounds is the ever present danger of blood poisoning. In dealing with a flesh wound keep clearly in your mind the fact that poison and disease breeding germs are everywhere—in the atmosphere, in the ground, in the patient's clothes, on his flesh, on your hands and in the water with which you may be tempted

to wash the wound. Punctured Wound (Tack, Nail, Splinter or Thorn). Extract the nail, or whatever it is that has caused the wound. Pour Mc Ness Pain Oil over the wound and then squeeze in warm water to encourage bleeding. If pain and swelling follow, saturate absorbent cotton with Pain Oil and bandage on wound with sterilized gauze. Keep dressing on until soreness subsides, wetting it with Pain Oil, as often as it becomes dry. In nail wounds, Pain Oil should be forced directly into the wound with a Syringe, after which the Pain Oil dressing should be applied as directed above. * * * Earache Severe earache is usually due to inflammation of the inner ear. To relieve the pain, saturate a small piece of cotton with sweet oil, add about 5 drops of Pain Oil and place gently in the outer ear. * * * Muscular Rheumatism As an aid in the treatment of Muscular Rheumatism, apply thick flannel clothes * * * Cramps * * * Toothache * * * 'Good for Most Everything That Hurts' Directions For Use Asthma—Pour a few drops of Pain Oil in the palm of one hand then rub the hands together briskly and inhale the vapors. * * * This clears out the nasal passages and heals the inflamed membranes. Back-Ache * * * Chilblains * * * Colic * * * Diarrhea * * * Dyspepsia * * * Earache * * * Hay Fever * * * Indigestion * * * Hiccoughs * * * Rheumatism * * * Sciatica * * * Sore Throat * * * Toothache. [Similar statements appear in foreign languages.]”

Misbranding of the said Menthoform was alleged for the reason that the following statements appearing on the bottle label and in an accompanying circular were false and fraudulent: (Label) “Useful as an aid in the treatment of Pyorrhea, Tender and Spongy Gums, unhealthy conditions of the nose and throat cavities. Unequaled as a gargle for Sore Throat. (Non Diphtheritic) * * * To give quick relief to inflamed tonsils or throat”; (circular) “Directions * * * The daily use of Mc Ness Menthoform will keep * * * the gums firm and healthy, * * * By keeping the tissues of the mouth and throat firm and in a healthy condition. Mc Ness Menthoform will guard the entire system against contagion and disease. * * * Tender Gums * * * Use Mc Ness Menthoform three times a day as directed for daily mouth wash. Bleeding Gums * * * Use Mc Ness Menthoform full strength for several days, then use as a daily mouth wash to keep the gums firm. Spongy Gums—For soft, congested gums that bleed easily, use full strength Mc Ness Menthoform three times a day until gums are relieved, then use the daily mouth wash to preserve a healthy condition. Turgid Gums—Where gums are swollen and congested, follow direction given for spongy gums. Receding Gums—Thoroughly brush, with a soft brush, the surface of the teeth and gums using warm water with a few drops of full strength Mc Ness Menthoform on the brush, after which thoroughly rinse the mouth and teeth with full strength Menthoform. Do this each morning and evening until marked improvement takes place, then use stiffer brush and Mc Ness Menthoform as a mouth wash. Loose Teeth—Loose teeth usually indicate Pyorrhea, but not necessarily so and will be relieved by using Mc Ness Menthoform as directed under Receding Gums. * * * as an aid in the treatment of diseased gums. * * * Mc Ness Menthoform lessens the danger of infection, when applied to cuts and scratches. A Clean Mouth Aids in the Prevention of Disease * * * The daily use of Mc Ness Menthoform as a mouth wash will promote a healthy condition of the teeth, gums and mucous membrane of the oral cavity. * * * Directions * * * Tonsillitis or Sore Throat (Non-Diphtheritic)—To give quick relief to inflamed tonsils or throat, * * * Nasal Catarrh * * * Contagious Diseases—By keeping the tissues of the mouth, nose and throat in a firm and healthy condition, many contagious diseases can be prevented. Mc Ness Menthoform when used as a mouth wash and gargle will keep the mouth, nose and throat healthy. * * * Hemorrhoids * * * Leucorrhoea— * * * [similar statements appear in foreign languages].”

On June 4, 1932, Frank E. Furst and Frederick G. Thomas, trading as Furst & Thomas, Freeport, Ill., filed an answer and claim for the products, to which the Government filed exceptions on June 8, 1932. On November 9, 1932, the cases having come on for hearing, the Government's exception to claimant's answer was sustained. A claim and answer admitting, for the purpose of the proceedings only, the allegation of the three libels and consenting to the entry of decrees was thereupon filed. On November 15, 1932, a judgment of condemnation and forfeiture covering all three cases was entered, and it was ordered by the court that the products be released to the claimant's upon payment of

costs and the execution of a bond in the sum of \$2,000, conditioned that they be relabeled and that they should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20363. Misbranding of Morrison's Old English liniment. U.S. v. The James W. Foster Co., and George Morgan and Ray C. Burbank. Plea of guilty. Fine, \$175. (F. & D. no. 27515. I.S. nos. 30661, 30662, 34428, 34468, 34469.)

Examination of the drug preparation, Morrison's Old English liniment, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 8, 1932, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the James W. Foster Co., a corporation, and George Morgan and Ray C. Burbank, president and treasurer, respectively, of the said corporation, of Bath, N.H., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, in various lots, on or about March 20, June 12, June 24, and July 24, 1931, from the State of New Hampshire into the State of Massachusetts, of quantities of the said Morrison's Old English liniment, which was misbranded. Two styles of labeling were found on the cartons and bottles in the various shipments. All shipments were accompanied by the same circular.

Analyses of samples of the article by this Department showed that it consisted essentially of a nonvolatile oil such as fish oil, and volatile oils such as pine-tar oil, turpentine oil, and kerosene.

Misbranding was alleged in the information for the reason that the statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing on the carton and bottle labels of the product in certain of the consignments, falsely and fraudulently represented that it was effective as a remedy for rheumatism, lame back, chilblains, ingrowing nails, and bunions; effective to remove all soreness and inflammation; effective as a remedy for coughs, bronchitis, diphtheria, sore throat, and la grippe; effective to allay distress in cases of diphtheria; effective for the relief of pain in cases of rheumatism, neuritis, sciatica, lumbago, neuralgia, aching feet, bunions, sore corns, aches, soreness, and inflammation, and (in the case of animals) effective as a treatment for corns, quarter cracks, mud fever, founder, thrush, navicular disease, splints, rheumatism, bog spavin, shoe boils, and big knees; effective to heal wounds of every description; effective to cause hoofs to grow healthy and strong; effective as a remedy for distemper, pink eye, and kidney and bladder troubles; effective to remove soreness and inflammation; effective as a treatment for sore throat and bronchitis; effective to grow out foot; and effective as a treatment for contracted feet. Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the carton and bottle labels of the remaining shipments falsely and fraudulently represented that it was effective to heal wounds and prevent deadly germs from attacking the wounded flesh; effective as a treatment, remedy, and cure for rheumatism, lame back, chilblains, ingrowing nails, corns, bunions, soreness, and inflammation; (in the case of animals) effective as a treatment, remedy, and cure for corns, quarter cracks, thrush, founder, navicular diseases, mud fever, scratches, curbs, splints, rheumatism, bog spavin, wind puffs, shoe boils, contracted cords, galls, sores, wounds, inflammation, coughs, sore throat, distemper, bronchitis, pink eye, kidney and bladder troubles; effective to grow out foot; effective as a treatment, remedy, and cure for contracted feet, and big knees; and effective to grow new hoof and to keep a horse's feet in a healthy condition.

Misbranding was alleged for the further reason that certain statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing in the circular accompanying all shipments, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for rheumatism, neuritis or nerve inflammation, sciatica or neuralgia of the hip or thigh, lumbago, neuralgia, soreness, aching feet, and bunions; effective to relieve aches, rheumatic pains, stiff or sore joints, wounds, sore corns, bunions and swelling; and effective to heal and protect the wound, and prevent tetanus and blood poison.

On October 19, 1932, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$175, assessed jointly and severally.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20364. Misbranding of Steketee's Pin Worm Destroyer, Steketee's Worm Destroyer, and Steketee's Neuralgia Drops. U.S. v. 39 Packages of Steketee's Pin Worm Destroyer in Tablet Form, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28931. Sample nos. 5497-A, 5498-A, 5499-A, 5500-A.)

Examination of the drug preparations involved in this case disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 22, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 39 packages of Steketee's Pin Worm Destroyer in tablet form, 19 packages of Steketee's Pin Worm Destroyer in powdered form, 42 bottles of Steketee's Worm Destroyer in syrup, and 42 bottles of Steketee's Neuralgia Drops, at Chicago, Ill., alleging that the articles had been shipped in interstate commerce, the said Neuralgia Drops on or about March 3, 1932, and the remaining products on or about June 27, 1932, by the Hazeltine & Perkins Drug Co., from Grand Rapids, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

All three articles were labeled in part: "Steketee's Worm Destroyer [or "Steketee's Pin Worm Destroyer" or "Steketee's Neuralgia Drops"] * * * Geo. E. Steketee * * * Grand Rapids, Michigan."

Analyses of samples of the articles by this Department showed that the Pin Worm Destroyer in tablet form consisted essentially of potassium nitrate, sulphur, phenolphthalein, plant material including chenopodium, a small proportion of an iron compound, calcium carbonate and sugar; that the Pin Worm Destroyer in powdered form consisted essentially of potassium nitrate (24.7 percent), sulphur (19.9 percent), phenolphthalein (3.7 percent), plant fiber such as seed hulls (29.3 percent), chenopodium, a trace of an iron compound and calcium carbonate; that the Pin Worm Destroyer in syrup consisted essentially of small proportions of potassium, sodium, calcium and iron salts, chenopodium oil and anise oil, extract of a laxative plant drug, sugar, and water; and that the Neuralgia Drops consisted essentially of resinous and camphoraceous substances, ammonia (0.26 percent), alcohol (45 percent), and water.

It was alleged in the libel that the articles were misbranded in that the following statements appearing in the labeling were false and fraudulent: (Steketee's Pin Worm Destroyer in tablet form, tube) "Highly recommended for the relief of * * * Worm Fits, Worm Spasms, Worm Fever, Epileptic Fits, and all kinds of worms. * * * For purifying the blood"; (Steketee's Pin Worm Destroyer in powdered form, tube) "For the Relief of * * * Worm Fits, Worm Spasms, Worm Fevers, Epileptic Fits. * * * especially adapted for destroying * * * all * * * forms of Worms. Cleanses the stomach and purifies the bowels. This powder is also recommended for the relief of Epilepsy or Fits, and for the relief of various forms of Convulsions and Nervous Affections"; (Steketee's Worm Destroyer in syrup, carton) "Worm Destroyer * * * Mothers! Has your child a fever? First of all give it Steketee's Worm Destroyer. Has it foul breath? Give it Steketee's Worm Destroyer. Does it have spasms? Give it Steketee's Worm Destroyer. Is your child restless at night? It is worms that ails your child. Has it fainting fits? A sure sign of worms. The best remedy to keep children healthy is the use of Steketee's Worm Destroyer. It is considered the best worm remedy on the market and very few people, young or old, but what are troubled with worms in one form or another. People's stomachs are lined with phlegm and the use of this remedy cleanses the stomach and purifies the blood. The child is restless at night and starts frequently when asleep. Itching and scratching of the anus is a sure sign of worms, and the use of this remedy causes healthy, restful sleep": (Worm Destroyer in syrup, bottle) "Worm Destroyer * * * A tried and efficient remedy especially adapted for destroying * * * all * * * forms of Worms. Cleanses the stomach and purifies the blood. Also recommended for the relief of Epilepsy or Fits, and for the relief of various forms of Convulsions and Nervous Affections"; (Steketee's Neuralgia Drops, circular) "Neuralgia Drops A wonderful remedy for * * * Neuritis, Rheumatism, Arthritis, in fact for all pain in any form";

(Neuralgia Drops, carton) "A Remedy for * * * Rheumatism, Kidney and Liver Complaints, Chronic Headache and Pains in the Back * * * This Remedy is also used for * * * Old Sores, on Man or Beast. * * * Neuralgia Drops The Woman's Friend. * * * for the relief of * * * Backache. It is recommended for quieting pains no matter where pain may be located. Neuralgia Of The Womb, Ulcerations Of The Womb and Inflammation Of The Womb. (It is used as an injection for the last-named ailments). It is used * * * also for * * * Old Sores"; (Neuralgia Drops, bottle) "Neuralgia Drops * * * A Remedy for Neuralgia, Rheumatism, Kidney and Liver Complaints, Chronic Headache, Pains in the Back and Toothache. * * * Special Directions for Ladies. For Inflammation and Neuralgia of the Womb take 30 drops 3 times a day in cold water; also mix one teaspoonful in a cupful of water (luke-warm) and inject twice a day. For Local Discharge or Whites, mix one teaspoonful with water the same as for Neuralgia of the Womb. For severe cases of Neuralgia and Inflammation of the Womb the patient may use 10 drops in cold water every hour until relieved, and inject as above every two hours."

On November 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20365. Adulteration and misbranding of Kemozone solution. U.S. v. 12 Dozen Packages of Kemozone Solution. Default decree of condemnation and destruction. (F. & D. no. 27716. I.S. no. 43205. S. no. 5788.)

Examination of samples of the drug preparation Kemozone solution disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests showed that the article was not an antiseptic under the conditions of brief contact, that it would not destroy germs when used as directed, and would not liberate free oxygen, all of which claims were made for the product in the labeling.

On February 8, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 12 dozen packages of the said Kemozone solution, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce, on or about November 18, 1931, by the Select Drug Products Co., from Brooklyn, N.Y., to Youngstown, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of oxyquinoline sulphate (0.92 gram per 100 milliliters) and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "An Ideal Germ Destroyer * * * Antiseptic."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading, since the article was not germicidal nor antiseptic under conditions of brief contact, and since it would not liberate oxygen: (Carton) "The Super-Healing Antiseptic * * * An Ideal Germ Destroyer Kemozone's Great Superiority is due chiefly to the wide scope of its therapeutic value caused by * * * antiseptic powers"; (bottle label) "The Super-Healing Antiseptic * * * Highly Superior In Its Antiseptic * * * Powers"; (circular) "Scientists today know that active oxygen is one of the greatest germ-killing and healing agents. Properly concentrated it purifies and greatly assists Nature's own healing processes. Kemozone frees life-giving oxygen. But it releases its oxygen only when brought into contact with membranes or tissues, hence its unchanging power and effectiveness under any and all conditions. * * * Germicidal Strength of Kemozone To prove the germicidal strength of Kemozone, as compared to the commonly used Hydrogen Peroxide, we had a test made by one of the best equipped commercial laboratories in the United States (name furnished upon request), and we reprint, in part, their report to us showing a comparison of the strength of these products when tested against Staphylococcus, commonly known as the pus germ. Report 'The investigation of the Germicidal Properties of Kemozone

when dissolved in water, as compared with Hydrogen Peroxide. * * * This investigation was intended to show the relative germicidal efficiencies of Kemozone and the other product upon the common pus-producing organism, the Staphylococcus pyogenes aureus, when tested in the presence of water, at the temperature of the human body.'

Kemozone dilutions	Number of organisms surviving after 10 min. * * *
1:50	00
1:100	00
1:250	00

* * * * *

It will readily be noted that Kemozone is more than ten times as strong as Hydrogen Peroxide. * * * Its action is this: When it comes into contact with the body tissues, Kemozone frees active oxygen and destroys all adventitious germ life with absolute certainty. * * * Before Kemozone was discovered, there was no known, safe, nonpoisonous and healing antiseptic which women could use freely in the douche, and with perfect confidence in their efficacy. Now, Kemozone does away forever with uncertain germicides and harsh, tissue-destroying agents."

Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "Remarkably Effective for the Treatment of Inflamed or Bleeding Gums"; (circular) "What a Chance You Take Without It! * * * People who neglect to guard their bodies against poisons invite a shortening of the life span. We take in some of these poisonous germs through food and drink, others from the air through the nasal passages, still others enter the system through skin abrasions and wounds. Science has continually searched for an antiseptic that will possess germ-killing power. * * * Kemozone is the answer of science to this great need! * * * It does kill germs. * * * destroying the germs of disease. * * * chemical elements of Kemozone are then absorbed into the blood stream itself and immediately start the repair process. Prevention Is Better Than Cure! * * * Kemozone, if used daily, is a protection against germ infection. If applied promptly to any condition that calls for an antiseptic, it will prevent more serious complications. * * * Many ailments so common to women could be avoided by douching properly and regularly. * * * Kemozone in the douche is an ideal antiseptic. * * * Kemozone is absolutely safe. * * * powerful, sure antiseptic. * * * Kemozone Eliminates All Such Dangers * * *

Kemozone is a boon to women who value their charm, their youth, and their health. * * * it is generally prescribed to allay irritation and inflammation as, for instance, in Leucorrhea. * * * Leucorrhea (Whites) Altogether too many women suffer needlessly from Leucorrhea. * * * The symptoms are easily recognized: an odorous discharge, continued wetness, a feeling of rawness or chafing. Unless corrected, leucorrhea often proves serious because of the constant drain on the system. Kemozone, used as a douche, soothes and heals the delicate membrane, flooding it with its strengthening and germ destroying power. * * * Kemozone is a wise precaution as well as a relief * * * for any bruise, cut, burn, scratch or wound—* * * if neglected, so quickly become serious. * * * Directions: * * * Eczema * * * Pimples, Skin Eruptions, * * * Pimples or skin eruptions may seem just surface affairs, but are generally due to skin infection. * * *

Prompt and continued treatment with Kemozone attacks the disorders, readily removing these embarrassing disfigurements and * * * Directions: For pimples, skin eruptions: A solution of two Kemozone tablets (or two teaspoonfuls of liquid Kemozone) to half a glass of warm water, frequently applied, will prevent infection * * *

Treatment and Prevention Kemozone is a wonderfully effective treatment for sore throat, tonsilitis and the catarrhal inflammation of throat and respiratory passages, and to prevent them, nothing else is so effective: * * * Its powerful antiseptic action eliminates the possibilities of infection before disease germs can take hold."

On October 12, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20366. Misbranding of Urodonal. U.S. v. 11 Packages of Urodonal. Default decree of condemnation, forfeiture, and destruction. (F. & D. no 28865. Sample no. 4368-A.)

Examination of the drug product Urodonal disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in circulars shipped with the article.

On September 8, 1932, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 packages of Urodonal, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about July 16, 1931, by G. J. Wallau, Inc., from New York, N.Y., to Milwaukee, Wis., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of methenamine (4.1 percent), sodium phosphate (13 percent), sodium bicarbonate, tartaric acid, citric acid, and a small proportion of sugar.

It was alleged in the libel that the article was misbranded in that the labeling bore false and fraudulent representations concerning its effects in arthritis, rheumatism, arterio-sclerosis, obesity, gout, gravel, uricemia, sciatica, cleansing the liver and kidneys, purifying the blood and all the tissues, softening the arteries, reducing obesity, oxydizing the fats, removing uric acid crystals and all the poisonous substances and impurities which kill the renal tissue, eczema, asthma, headache, neuralgia, eliminating uric acid in the blood, acute and chronic rheumatism, or in the articular, muscular, or visceral forms, dissolving the obstructions and articular nodosities of those suffering from rheumatism and gout, preventing complications of diabetes, albuminuria, weakness of the kidneys and uremia, stones in the bladder, thick, sandy, or fetid urine, renal impermeability (various forms of nephritis, Bright's disease), keeping the arteries young and reducing incrustation, eliminating the chalk salts which coat the arterial walls, thus preventing arterio-sclerosis, as a preventive measure for children whose parents are arthritic, diabetic, corpulent, or hypersthenic, in hereditary arthritis, migraine, acidity, skin diseases, unhealthy urine, breaking up the biurates which it converts into soluble urates, clearing the urine which remains acid, increasing the permeability of the kidney and stimulating the functions of this organ, inducing the elimination of the purius or xantho-uric substances, cleansing the liver and stimulating its functions, clearing the system from all clogging acid substances and thus dispelling amino-acidaemia, effecting a real drainage of uric acid in the system, heart weakness, colic of the kidneys, gouty tophi, nodosities of deforming rheumatism, safeguarding against multitudinous disorders, colic of the liver or kidneys, pains, urticaria (nettle rash), antisepticizing the urinary system, destruction of unhealthy germs in the urinary organs, healing of the mucous membranes, modification of the secretions, cystitis, prostatitis, pyelitis, dyspepsia, intercostal neuralgia, pains in the shoulder, myalgia, pains afflicting the forearm, calf of the leg and neck, torpid gout, ever present stiffness of the right tibia-tarsal joint, shooting pains in the joint of the great toe, poor general health, congestion of the liver, wandering pains, pains in the right hypochondrium, liver projecting beyond the region of the false ribs, lichen-eczema, violent pains affecting the whole shoulder and left arm, breathlessness, loss of memory, general fatigue, preventing tophaceous deposits and gravel, diseases of nutrition, dissolving of waste products, as uricolytic (uric acid breaking up agent), cleansing the blood and removing poisonous substances, facilitating the work of the kidneys, clearing from the system the sodium chloride contained in the fluids and even from the tissues where it accumulates, dropsy, eliminating urea, uraemia, dissolving oxalic acid and oxalates, diabetes, oxidizing the fats, gallstones, stimulating the functions of the liver thus helping it to convert the cholestrin into soluble cholatic acid, dissolving the uric acid and eliminating it, stones in the bladder, nervous disorders, neurasthenia, hypochondria, variously localized neuralgia, gastralgia, mucous catarrh, and heart disease originating from arteries with its terrible sequellae, albuminous nephritis, uremia, apoplexy,

softening of the brain, gangrene of the extremities, tumors of degenerescence (cancer), certain inflammatory conditions of the mucous membranes (angina, spasmodic coughing), chillblains, seborrhea, indigestion, bleeding from nose, stiff neck, enteritis, irritability and instability of the blood circulation (palpitations, flushing of the face, irregular pulse), itching, precocious obesity with flabbiness of the flesh, cold hands and feet, disturbed sleep, nocturnal terror, laziness, inertia, neurosis, St. Vitus dance, hair falling out prematurely, excessive functioning of the skin peculiarly sensitive at the folds, atony of stomach and intestines, fermentations, flatulency, distention, constipation, alternating with muco-membranous discharges, congestive conditions of liver, hemorrhoids, varicose veins, turbid urine, and a more or less constant nervous condition, auto-toxaemias (cholaemia), shaking off hereditary taint, the reaction of each organ of the body to uric acid, an unhealthy condition of the liver, biliary inadequacy or calculosis, functional disorders of the liver, digestive disturbances due to uric acid, jaundice, erratic pains, neuro-arthritis, morbid hybrid ty, nervous symptoms, mental and physical degenerescence, disorganizations of stomach (ptosis), nervous exhaustion (phobias, manias), general weakness, scrofulo-tuberculous offspring, typical physiological wreck, undefined ailments, defective nutrition, melancholia, swollen, inflamed, and very painful big toe, urates in the joints, swelling of the joints, numb and lingering, spreading to knees, hands, and shoulders, joints deformed by the tophi (concretions of sodium urate), visceral or internal transformation of the articular or external form of gout, abdominal tension, acid repeatings, sallow complexion, alternating diarrhea and constipation, abnormal hunger, lack of appetite, depression, irritability, oppression, bladder trouble, gout affecting all organs, heart, lungs, nervous system and sensory organs, spreading to the entire nutritive process, conjunctivitis, iritis, otitis, bronchial catarrh, phlebitis, etc., normally eliminating uric acid, modifying the diathesis and preventing recurrence of gout, limiting the manufacture of uric acid, preventing its accumulation and insuring its elimination via kidneys, gout in all its forms, conferring immunity, overcoming inflammatory swellings, preventing blood and organs from being poisoned, procuring disappearance of tophaceous deposits in the feet, hands, and ears, oxidizing cholestrin, preventing obesity by burning up the fat, regulating sugar-fixing functions of the liver, decongesting the kidneys by eliminating gravel and sand, preventing degenerescence of these organs, suppurative inflammation of the small tubules (calculous pyelonephritis), insuring asepsis and limpid sterilization of toxic and turbid urine, lesions of the circulatory system, tertiary accidents or complications, relieving many other evils of gouty origin, loss of teeth due to alveolar periostitis, intractable coryza, recurring angina, granulations of the throat and larynx, gastritis and dilation of the stomach, emphysema, rheumatismal pleurisy, congestion of lungs (often mistaken for tuberculosis), affecting the eyes, ears, nerves, etc., slackening of nutrition, errors in diet and hygiene, dull pains in the region of the kidneys, discomfort in lower abdomen, evacuating red sand and oxalic concretions, tearing of the infinitely small tubules by sharp gravel procuring slow passage of gravel with mucous, agonizing and intolerable pain with vomiting, breaking up the sand, preventing formation of stone, clearing the urine, lumbar pains, rheumatism settling in joints, overstrain, weakening resistance of certain joints.

On November 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20367. Misbranding of Fem. U.S. v. 18 Bottles of Fem. Default decree of forfeiture and destruction. (F. & D. no. 28370. I.S. no. 52633. S. no. 6055.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels, and in a circular shipped with the article. It was labeled in part: "Made in the Laboratories of J. S. Merrell Drug Co. * * * St. Louis, Mo."

On June 6, 1932, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 bottles of Fem, remaining in the original unbroken packages at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce on or about January 30, 1932, by the McKesson Merrell

Drug Co., from St. Louis, Mo., to Fort Smith, Ark., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, including a laxative drug, such as senna, a small proportion of salicylic acid, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Bottle) "Fem Tonic * * * Recommended for Non-Surgical Cases where it is desired to Tone and Strengthen The Female Organs. Correct the conditions commonly known as Painful and Irregular Menstruation and a palliative for the distress accompanying Menopause (change in life) * * * Beneficial During Pregnancy * * * Fem Tonic For Women * * * Merrell's Female Tonic * * * Beneficial During Pregnancy"; (circular) "Fem Tonic * * * for Ills Peculiar to Womankind Fem Tonic for Women * * * contains ingredients recognized by the medical profession for their tonic and strengthening effect upon the female organs. * * * For Women * * * Female Weakness and may be depended upon to produce blessed relief and benefit in even those cases which nothing else seems to reach. It builds up, tones and strengthens the delicate female organs, promoting healthy, vigorous, and harmonious activity and helps regulate and functions. It is, therefore, a most dependable internal medicine. For Painful Menstruation including delayed, profuse, scanty and irregular periods; also for the distressing symptoms which accompany the menopause or change of life. Relieves leucorrhea (whites). During Pregnancy * * * for Women—is not only a safe and dependable medicine but one which will do much toward building up the generative organs, lessening the pains of labor and hastening recuperation after childbirth. For Girls and Young Women who are anemic, weak, nervous, irregular, Fem Tonic for Women—is a blessing. Its strength-building properties which exert a beneficial effect upon the entire system and particularly upon the female organs, produce beneficial results if the directions are followed"; (carton) "Fem Tonic for Women * * * Merrell's Female Tonic Recommended for Non-Surgical Cases where it is desired to Tone and Strengthen The Female Organs Correct the conditions commonly known as Painful and Irregular Menstruation and as a palliative for the distress accompanying Menopause (change in life) * * * Beneficial During Pregnancy * * * absolutely safe to use during the entire period of pregnancy. It acts as a valuable aid in reducing the pains of labor and promotes speedy recuperation. Fem Tonic for Women * * * Merrell's Female Tonic * * * beneficial effect upon the female organs * * * Dependable * * * Especially Recommended for Weakness, Disturbed Functions, Leucorrhea (whites), scanty, Profuse, Painful and Irregular Menstruation, Distress Accompanying Menopause (change in life), and similar conditions which may be amenable to nonsurgical treatment. Fem Tonic for Women."

On January 10, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20368. Misbranding of Walker's Old Indian health tonic. U.S. v. 37½ Dozen Bottles of Walker's Old Indian Health Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28932. Sample no. 16683-A.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for the article in the labeling.

On September 22, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37½ dozen bottles of Walker's Old Indian health tonic, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 25, 1932, by the Walker Co., from Atlanta, Ga., to Jacksonville, Fla., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained, per 100 milliliters: Magnesium sulphate (27 grams), ferric chloride (1.4 grams), quinine sulphate (0.09 gram), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent: "Health * * * The Unfailing Remedy for Laziness and a Drowsy, Tired, Sleepy Feeling. Relieves Indigestion * * * Biliousness * * * Dizziness, Sick Headache, Numbness or Chills, Kidney or Bladder Troubles, * * * Piles, Jaundice, Dropsy, Loss of Appetite, Weakness, Tired Feeling, Stimulates and Purifies the Blood."

On October 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20369. Adulteration of ether. U.S. v. 400 Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to Government agency for laboratory use. (F. & D. no. 28889. Sample no. 1198-A.)

This case involved a quantity of ether, samples of which were found to contain peroxide, a decomposition product.

On September 12, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 24, 1932, by the Mallinckrodt Chemical Works, from St. Louis, Mo., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by tests laid down in the said pharmacopoeia official at the time of the investigation, and its own standard was not stated on the label.

On November 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the chemical laboratory of the Bureau of Industrial Alcohol, at Los Angeles, Calif., to be used for purposes other than for anaesthesia.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20370. Misbranding of Numoss. U.S. v. Tina Rubano and Charles Rubano (C. R. Products Co.). Pleas of guilty. Fines, \$50. (F. & D. no. 28146. I.S. no. 48756.)

Examination of the drug product Numoss, on which this action was based, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects, claimed on the bottle and carton labels and on a display card and circular shipped with the article.

On September 15, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Tina Rubano and Charles Rubano, trading as the C. R. Products Co., New York, N.Y., alleging shipment by the said defendants in violation of the Food and Drugs Act, as amended, on or about January 9, 1932, from the State of New York into the State of New Jersey, of a quantity of Numoss which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of ammonium chloride, a small proportion of creosote, Irish moss, sugar, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle and carton labels and the display card and in an accompanying circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, bronchial coughs, all conditions of cough, acute and chronic bronchitis, bronchial asthma, spasmodic coughs, whooping cough and similar diseases of the respiratory organs, and

tubercular and influenza conditions; effective as a preventative for influenza and pneumonia; effective to stop coughs and as a treatment for coughs; effective as a distinct germicidal possessing antiseptic and prophylactic properties when used as directed; effective as a treatment in dry and persistent cough and to clear up croupy or moist cough; effective as a treatment, remedy, and cure for hard, dry bronchial coughs, croupy or moist coughs, hay fever, whooping cough, bronchial asthma, bronchitis, pneumonia, and influenza; effective as a relief for tubercular coughs and as a remedy to give instant relief and destroy the cause of bronchial coughs; and effective as a germ killer, when used as directed.

On September 21, 1932, the defendants each entered a plea of guilty to the information, and the court imposed fines totaling \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20371. Misbranding of Vapex. U.S. v. 11 Dozen Cartons of Vapex. Hearing on demurrer to claimant's amended special plea. Demurrer sustained. Decree of condemnation and destruction, with forfeiture provision for release under bond for relabeling. (F. & D no. 24768. I.S. no. 017180. S. no. 3120.)

This action involved the interstate shipment of a drug preparation, known as Vapex, which failed to bear on the package or label a statement of the quantity or proportion of alcohol contained in the article.

On May 15, 1930, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 dozen cartons of Vapex, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about April 28, 1930, by E. Fougere & Co., Inc., from New York, N.Y., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, including lavender oil and menthol, and alcohol (67 percent by volume).

It was alleged in the libel that the article was misbranded in that the packages containing the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On June 14, 1930, E. Fougere & Co. Inc., New York, N.Y., interposed a claim for the property and filed its answer praying dismissal of the libel. Subsequently claimant's answer was withdrawn and a special plea was entered. On December 22, 1931, the special plea having been withdrawn, claimant filed an amended special plea, to which the Government demurred.

The case was set for hearing on May 17, 1932, on briefs submitted by the Government and the claimant, no oral argument being made. On June 7, 1932, the court handed down the following opinion sustaining the Government's demurrer: (Chesnut, *D.J.*):

"In this proceeding at law (by the applicable statute called a libel) the Government seeks to condemn a quantity of 'Vapex', shipped in interstate commerce, on the ground that it is misbranded under section 8, paragraph 2, of the Food and Drugs Act of Congress (U.S.C., title 21, sec. 10).

"The misbranding is alleged to result from the failure of the package 'to bear a statement on the label of the quantity or proportion of any alcohol * * *, or any derivative or preparation of any such substances contained therein.'

"By its second amended plea filed February 12, 1932, the claimant, E. Fougere & Co., Inc., admits all the allegations of fact contained in the libel but, in opposition to the claimed condemnation, sets up the following contentions, in substance: (1) that the 'Vapex' as shown by the labels on the packages is 'a pure inhalant generally indicated in the treatment of head colds'; (2) that the directions for using it are to place a drop or two in the center of a folded handkerchief and inhale the vapor therefrom; (3) that the alcohol contained in the article 'has no office or property therein other than as a diluent or solvent of the essential oils contained therein.' From these facts in the plea the legal conclusions are drawn that (a) Vapex is not a drug within the meaning of the act; (b) the act properly construed does not apply to Vapex; (c) that if construed to apply to Vapex the act is unconstitutional in the absence 'of a showing that the alcoholic content of said article renders the same noxious or harmful to the public health.'

"The Government challenges the sufficiency of the plea to establish these conclusions.

"After a study of the excellent briefs submitted by counsel, I have reached the conclusion that the demurrer should be sustained for the following reasons:

"The term 'drug' as used in the act is defined to include 'all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.' U.S. Code, title 21, sec. 7. The definition so clearly includes the substance 'Vapex' (as it is described in claimant's plea) that discussion seems unnecessary. The labels on the bottles as quoted in the plea state that the inhalation of the vapor from a drop of Vapex on a handkerchief is effective to relieve a head cold instantly and that its use will stop a cold at the start. It is further described as a new method of treatment for colds. The labels also assert that its use is both curative and preventative, and that breathing the vapor is inimical to the germs of common colds. It is clearly, therefore, a substance 'intended to be used for the cure, mitigation, or prevention of disease,' unless it were denied, as it is not, and as I think it could not be, that a head or common cold is a disease. See U.S. v. 23 7/12 Dozen Bottles, 44 F. (2d) 831 (D.C.Conn.).

"The more substantial contention of the claimant is that Vapex, by reason of its nature and use, is without the substantial intent although within the literal content of the wording of the act. It is urged that the purpose of Congress in requiring preparations containing alcohol to state the percentage thereof on the label was to prevent the user of medicine from unconsciously acquiring a taste for alcohol disguised as medicine; and a comparative reference is made to the section of the same law relating to food preparations which omits any requirement that food products containing alcohol (often contained therein, it is said, as preservatives) must state upon their labels the quantity contained. It is argued for the claimant that a medicine or drug used only for inhalation and not otherwise for internal use could not reasonably be within the substantial intent of Congress in requiring the percentage of alcohol to be stated on its label. The substance of this contention is that inhaling vapor from alcohol is harmless and not habit-forming and therefore could not have been within the intent of the act as to misbranding. But this contention is only a re-statement of the claimant's first contention which was that an inhalant is not a drug which, as above noted, is I think not tenable. And if an inhalant is covered by the definition of a drug, then the misbranding section is expressly applicable to it. The statute makes no exception and I do not think the court is at liberty to read an exception into the act even though if the matter had been brought specially to the attention of the Legislature it might have done so in the original enactment. See U.S. v. 65 Casks, 170 F. 449 (D.C.N.D.W.Va.), affirmed (C.C.A.) 175 F. 1022.

"It is a well-settled principle of statutory construction that the intention of the Legislature is to be sought primarily in the language used, and where this expresses an intention reasonably intelligible and plain, it must be accepted by the courts without modification by resort to construction or conjecture. *Thompson v. U.S.*, 246 U.S. 547, 38 S.Ct. 349, 62 L.Ed. 876.

"In support of its contention the claimant relies upon the cases of *U.S. v. Antikamnia Chemical Co.*, 231 U.S. 654, 34 S.Ct. 222, 58 L.Ed. 419; *Hall-Baker Grain Co. v. U.S.*, 198 F. 614 (C.C.A. 8th); *McDermott v. Wisconsin*, 228 U.S. 115, 33 S.Ct. 431, 57 L.Ed. 754, 47 L.R.A. (N.S.) 984, Ann. Cas. 1915A, 39. But I find nothing in these cases which, in my opinion, gives any substantial support to the contention. And it may also be said that the question as to whether the inhaling of alcohol is habit-forming and consequently harmful is hardly raised by the pleadings. In any event it is hardly within the scope of judicial knowledge that alcohol as an inhalant is necessarily harmless, and I do not feel warranted in determining that Congress could not have intended that preparations for inhalation only should be required to bear a statement of alcoholic content on the label. Assuming that the matter is debatable, it seems entirely clear that Congress was entitled to exercise its own judgment, not to be superseded by the verdict of a jury or the personal opinion of a judge. *Hebe Co. v. Shaw*, 248 U.S. 297, 303, 39 S.Ct. 125, 63 L.Ed. 255.

"Finally, it is contended for the claimant that if 'Vapex' is within the language of the act as properly construed, it is nevertheless without the power

of Congress to prohibit its transportation in interstate commerce, because, as directed to be used, it is a harmless substance in no way detrimental to the public health. Emphasis is laid on the wording of the opinions in many of the cases in the Supreme Court dealing with the Food and Drugs Act to the effect that the primary purpose of Congress was to prevent injury to the public health and that the prohibition was only against impure food and drugs. See *Hipolite Egg Co. v. U.S.*, 220 U.S. 45, 31 S.Ct. 364, 55 L.Ed. 364; *Seven Cases Eckman's Alternative v. U.S.*, 239 U.S. 510, 36 S.Ct. 190, 60 L.Ed. 411, L.R.A. 1916D, 164; *Hoke v. U.S.*, 227 U.S. 308, 322, 33 S.Ct. 281, 57 L.Ed. 523, 43 L.R.A. (N.S.) 906, Ann. Cas. 1913E, 905; *McDermott v. State of Wisconsin*, 228 U.S. 115, 33 S.Ct. 431, 57 L.Ed. 523, 754, 47 L.R.A. (N.S.) 984, Ann. Cas. 1915A, 39. And importantly reference is made to the *Child Labor Case* (*Hammer v. Dagenhart*), 247 U.S. 251, 38 S.Ct. 529, 62 L.Ed. 1101, 3 A.L.R. 649, Ann. Cas. 1918E, 724, where the Supreme Court held invalid an act of Congress which prohibited interstate commerce in articles manufactured by child labor under certain conditions. But in that case the articles themselves were the ordinary and usual subjects of commerce, entirely harmless in themselves, and the aim of the statute was thought to be to equalize labor conditions in the several States rather than protect the public against the use of harmful articles. For this reason the legislation was held beyond the powers of Congress under the interstate commerce clause of the Constitution.

"It is true that the Food and Drugs Act does forbid interstate commerce in impure food and drugs, but the scope of the act is not limited to that subject alone. It also includes the regulation of interstate commerce in drugs and food that are not impure and not of themselves harmful, including the requirement that the articles shall not be misbranded. In the judgment of Congress consumers of articles, harmless in themselves when used as directed, are entitled nevertheless to be advised of the existence in the articles of ingredients belonging to classes of articles which were regarded as potentially harmful of themselves, even though contained in harmless quantities in the articles as designed for consumption. To this end Congress provided that the package must contain a statement on the labels of the quantity of alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substance contained therein. Such substances classified as 'narcotics' are obviously harmful when used in excessive quantities. Within the proscribed class is alcohol. Drugs containing such narcotics when properly labeled are not forbidden the facilities of interstate commerce. The effect of the act with regard thereto is to regulate rather than prohibit and it can no longer be doubted that such regulation is within the power of Congress. *U.S. v. Antikamnia Chem. Co.*, 231 U.S. 654, 34 S.Ct. 222, 58 L.Ed. 419; *Glaser, Kohn & Co. v. U.S.*, 224 F. 84, 89 (C.C.A. 7th). As *Vapex* is a drug containing alcohol, it comes clearly within the proscribed class even though the article as designed and directed to be used by the consumer is itself innocent and innocuous. The controlling principle applicable to the case is to be found in *Purity Extract Co. v. Lynch*, 226 U.S. 192, 201, 33 S.Ct. 44, 46, 57 L.Ed. 184, where Mr. Justice Hughes, speaking for the Supreme Court, said: 'It does not follow that because a transaction, separately considered, is innocuous, it may not be included in a prohibition the scope of which is regarded as essential in the legislative judgment to accomplish a purpose within the admitted power of the Government.' And again at page 204 of 226 U.S., 33 S.Ct. 44, 47, he continued as follows: 'The statute establishes its own category. The question in this court is whether the legislature had power to establish it. The existence of this power, as the authorities we have cited abundantly demonstrate, is not to be denied simply because some innocent articles or transactions may be found within the proscribed class. The inquiry must be whether, considering the end in view, the statute passes the bounds of reason and assumes the character of a merely arbitrary fiat.'

"The question in that case was whether a substance called '*Poinsettia*', itself entirely innocuous but containing an ingredient forbidden by the statute of Mississippi, was prohibited by the act which, as construed by the State court, forbade the sale of all malt liquors. The court held that the article in question was within the act.

"The same principle has been subsequently applied by the Supreme Court to other analogous situations. As in *Hebe Co. v. Shaw*, 248 U.S. 297, 39 S.Ct. 125, 126, 63 L.Ed. 255, a similar situation, Mr. Justice Holmes, speaking for the court, said: 'The power of the Legislature "is not to be denied simply because

some innocent articles of transactions may be found within the proscribed class. The inquiry must be whether, considering the end in view, the statute passes the bounds of reason and assumes the character of a merely arbitrary fiat." *Purity Extract & Tonic Co. v. Lynch*, 226 U.S. 192, 204, 33 S.Ct. 44, 47 (57 L.Ed. 184). If the character or effect of the article as intended to be used "be debatable, the Legislature is entitled to its own judgment, and that judgment is not to be superseded by the verdict of a jury", or, we may add, by the personal opinion of judges, "upon the issue which the Legislature has decided." *Price v. Illinois*, 238 U.S. 446, 452, 35 S.Ct. 892 894, (59 L.Ed. 1400); *Rast v. Van Deman & Lewis Co.*, 240 U.S. 342, 351, 357, 36 S.Ct. 370, 60 L.Ed. 679, L.R.A. 1917A, 421 Ann. Cas. 1917B, 455. The answer to the inquiry is that the provisions are of a kind familiar to legislation and often sustained and that it is impossible for this court to say that they might not be believed to be necessary in order to accomplish the desired ends.'

"And the same principle was again applied by the Supreme Court in the cases of *Pierce Oil Corporation v. City of Hope*, 248 U.S. 498, 500, 39 S.Ct. 172, 63 L.Ed. 381, and *Euclid v. Ambler Co.*, 272 U.S. 365, 388, 47 S.Ct. 114, 71 L.Ed. 303, 54 A.L.R. 1016.

"If we assume that the inhalation of Vapex is innocuous, nevertheless it is within the category of articles which, by the act, are required to contain a declaration on the label of the alcoholic content. And it cannot be said at this time that a statute which merely regulates interstate commerce in drugs containing alcohol, passes the bounds of reason or assumes the character of an arbitrary fiat. It is, therefore, not permissible for the court to make an exception where Congress has made none, and thus to withdraw from the operation of the statute an article which, even though harmless itself, is otherwise within the proscribed class.

"The demurrer is, therefore, sustained."

On September 12, 1932, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed. The decree provided, however, that the said product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be relabeled to show the true alcohol content.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20372. Misbranding of Miller's Anti-Mole. U.S. v. 18 Bottles of Miller's Anti-Mole. Product adjudged misbranded and ordered destroyed.
(F. & D. no. 28438. Sample no. 6105-A.)

Examination of the drug preparation involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 1, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 bottles of Miller's Anti-Mole, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about June 9, 1932, by the Miller Manufacturing Co., Lincoln, Nebr., to Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of nitric acid (65 percent), acetic acid (10 percent), and water (25 percent).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling were false and fraudulent: (Label around wooden tube) "Anti-Mole for the permanent removal of moles, * * * and all similar skin blemishes"; (circular "Anti-mole * * * is Guaranteed to Permanently remove Moles, * * * and all healthy protuberances protruding above the skin, * * * For a small mole insert the point of a common hard-wood toothpick into the liquid, with a downward stroke shake off the drop of liquid and apply with the pick just moistened a little, thus preventing the liquid from spreading to the surrounding skin. For a very small mole, or dark skin spot, a very slight application of the remedy well worked in will be sufficient. For a very large protruding mole, say the size of a large pea, more of the remedy is required. Apply Anti-Mole to the surface of the mole, pick gently with the toothpick while applying. When the very small mole turns a light color you have used sufficient to remove it; a large mole, use enough to turn it brown; About 2 hours

after applying Anti-Mole, grease well with vaseline. This will keep it soft and prevent soreness. Do not expect the mole to come off immediately upon making the application, as it requires a few days for the remedy to absorb the mole. When this process is complete and the mole having formed into a dry scab, the skin will gradually heal from below and the scab will sluff off and the mole will be gone. Never Pick the Scab Off, for when you do another will form, and when the second scab comes off sometimes a scar is the result, and that is what you want to avoid. * * * Don't try to use Anti-Mole on yourself; have another person do it for you, unless the mole you wish to remove is on the arm, leg, or where you have free access to it."

On December 28, 1932, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20373. Adulteration and misbranding of tincture of belladonna leaves. U.S. v. 20 Gallons of Tincture of Belladonna Leaves. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28483. Sample no. 3351-A.)

This action involved two shipments of tincture of belladonna leaves that was represented to be of pharmacopoeial standard, samples of which were found upon analysis to yield the alkaloids of belladonna leaves greatly in excess of the maximum provided by the United States Pharmacopoeia.

On July 16, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 gallons of the said tincture of belladonna leaves at Detroit, Mich., alleging that the article had been shipped in interstate commerce, in two lots on or about February 27 and March 1, 1932, by the National Pharmaceutical Manufacturing Co., from Baltimore, Md., to Detroit, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture of Belladonna Leaves * * * U.S.P. * * * Standardized Standard 0.027 Gm to 0.033 Gm Total alkaloids per 100 mls."

Analysis of a sample of the article by this Department showed that it yielded not less than 0.0428 gram of the alkaloids of belladonna per 100 cubic centimeters.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength determined by the test laid down in the United States Pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statements on the label, "Tincture of Belladonna Leaves * * * U.S.P. * * * Standardized Standard 0.027 Gm to 0.033 Gm total Alkaloids per 100 mls", were false and misleading.

On October 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20374. Misbranding of Ru-Co The Wonderful. U.S. v. Clyde Collins Chemical Co. Plea of guilty. Sentence, \$100 in lieu of fine and costs. (F. & D. no. 28086. I.S.nos. 24247, 36892, 45818, 45820.)

Examination of the drug preparation on which this case was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 16, 1932, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Clyde Collins Chemical Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act as amended, between the dates of July 21, 1931 and September 28, 1931, from the State of Tennessee, in part into the State of Louisiana, and in part into the State of Mississippi, of quantities of the said Ru-Co The Wonderful, which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium sulphate, sodium sulphate, and small proportions of citric acid, tartaric acid, saccharin, and carbonates.

Misbranding was alleged in the information with respect to portions of the article for the reason that certain statements, designs, and devices, regarding its curative and therapeutic effects, appearing in the circular accompanying the article, falsely and fraudulently represented that it was effective to cleanse the body of food waste and fermentation, to stimulate the elimination of acids and impurities from the blood, as a positive blood and digestive purifier, and as a corrective of auto-intoxication; effective as a treatment, remedy, and cure for acute rheumatism, sciatica, and lumbago; effective to clean the system of undigested food, to stop the acid-forming fermentation and to stimulate the liver and other organs to drain away the acids and other impurities in the blood and to positively clean the digestive system of poison; effective as a treatment, remedy, and positive cure for indigestion; effective as a treatment, a quick and sure remedy, and as a corrective and cure for constipation and auto-intoxication; effective to prevent fat, to make the flesh firm and to reduce without weakening vitality; and effective as a treatment for rheumatism, indigestion, and functional disorders of the liver. Misbranding was alleged with respect to the remainder of the article for the reason that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the bottle labels, falsely and fraudulently represented that it was effective as a treatment for rheumatism, indigestion, and functional disorders of the liver; effective to eliminate intestinal poisons; effective as a real system cleanser and purifier; and effective as a treatment for gout, intestinal stagnation, and stomach complaints.

On November 22, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a penalty of \$100 in lieu of fine and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20375. Misbranding of 4-44 (Four Forty Four). U. S. v. Wilmot B. Nethery (United Laboratories). Plea of guilty. Sentence, 6 months' imprisonment. Sentence suspended. (F. & D. no. 28073. I.S. nos. 38430, 38435.)

Examination of the drug product on which this action was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects appearing on the bottle and carton labels.

On November 1, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Wilmot B. Nethery, trading as the United Laboratories, Tampa, Fla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, in two consignments, on or about May 9, 1931, and September 19, 1931, from the State of Florida to San Juan, P.R., of quantities of the said 4-44, which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt (14.3 grams per 100 milliliters), small proportions of ammonium, sodium, potassium, iron, and calcium compounds, phosphates, salicylates, sugar, and water.

It was alleged in the information that the article was misbranded in that certain statements appearing on the bottle and carton labels, regarding the curative and therapeutic effects of the said article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for 44 diseases; effective as a treatment and cure for liver, kidney, and stomach troubles, indigestion, and influenza; effective as a treatment for rheumatism, coughs, jaundice, sour stomach, colic, heartburn, headache, lazy feeling, and loss of appetite; effective to build and purify the blood and to give new life and vitality; effective as a treatment, remedy, and cure for torpid liver and kidney and bladder diseases; effective as a relief for a long list of ailments due to sluggish liver or disordered kidneys and as a treatment, remedy, and cure for disorders due to constipation and related symptoms, dizziness, foul breath, painful or overfrequent urination, chills, fever, and malaria; and effective to build you up from the first dose.

On November 3, 1932, the defendant was arraigned and pleaded guilty to the information. On December 5, 1932, the court imposed a sentence of 6 months in prison, and ordered that the sentence be suspended and the defendant placed on probation for 6 months.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20376. Misbranding of Merchant's Gargling Oil Liniment Family Use and Merchant's Gargling Oil Liniment Man or Beast. U.S. v. 42 Small Bottles of Merchant's Gargling Oil Liniment Family Use, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28819. Sample nos. 4094-A, 4095-A.)

Examination of the drug preparations involved in this action disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 small bottles, 10 medium-sized bottles, and 10 large bottles of Merchant's Gargling Oil Liniment Family Use, and 29 bottles of Merchant's Gargling Oil Liniment Man or Beast, at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about May 2, 1932, by the Merchant's Gargling Oil Co., from Lockport, N.Y., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the liniment labeled "For Family Use" consisted essentially of extracts of plant drugs, a tarry substance, volatile oils (including tar oil, turpentine oil, eucalyptol, and camphor), ammonia, alcohol (34.6 percent by volume), and water; and that the liniment labeled "Man or Beast" consisted essentially of tar, ammonia, volatile oils (including turpentine oil, eucalyptol, and camphor), alcohol (34 percent by volume), and water.

It was alleged in the libel that the labeling of the Gargling Oil Liniment Family Use contained false and fraudulent statements regarding the therapeutic or curative effects of the article in pain, rheumatism, lumbago, sciatica, lame back, strains of every nature, pleurisy, quinsy, sore throat, cramps, bunions, sore, tired aching feet, nervous and muscular ailments following broken arches of the feet, piles, caked breasts, sore nipples, backache, toothache, lameness, stiff neck, stiff joints, swellings, headache, earache, old sores, external poisons, facial blemishes, boils, bites of animals, ingrown toe-nails, swollen feet, tender feet, stings from poisonous insects; and that the labeling of the Gargling Oil Liniment Man or Beast contained false and fraudulent statements regarding the therapeutic or curative effects of the article in cockle joints, cracked heel, ring bone, bony enlargement, poll evil, shoulder or stifle lameness, spavins, sweeny, fistula, sitfast, external poisons, grease, stringhalt, rusty-nail pricks, lameness, foundered feet, spavin, splint, horn distemper, roup in poultry, influenza, pain, crown scab, thrush, fever in feet, quittor, chronic abscess of feet, swellings, wounds of joints and tendons, foul ulcers, abscess of udder, and udder ills.

On November 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20377. Misbranding of King's Ceko dental paste. U.S. v. 33 Packages of King's Ceko Dental Paste. Default decree of forfeiture and destruction. (F. & D. no. 29538. Sample no. 16416-A.)

Examination of the drug preparation, King's Ceko dental paste, disclosed that the article contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the tube and carton labels.

On November 26, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 33 packages of King's Ceko dental paste, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 17, 1932, by C. G. King & Co., Inc., from Providence, R.I., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate (34 percent), potassium chlorate (11 percent), glycerin (20 percent), potassium bicarbonate, volatile oils, including anise oil, menthol, and methyl salicylate, gum, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling were false and fraudulent: (Carton) "Ceko Dental Paste * * * greatly reduces danger of infections of the gums including Pyorrhea. * * * Have little fear of Pyorrhea or of

other infections of the gums"; (tube) "It Is Your Duty * * * To Keep * * * The Gums Healthful. Ceko Will Do This."

On December 30, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20378. Adulteration and misbranding of tincture of digitalis. U.S. v. 5 Bottles of Tincture of Digitalis U.S.P. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29305. Sample nos. 3354-A, 4580-A.)

This action involved two shipments of tincture of digitalis, which was represented to be of pharmacopoeial standard, and which was found upon examination to have a potency materially less than that required by the United States Pharmacopoeia.

On or about November 21, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 bottles each containing 1 gallon of tincture of digitalis at Detroit, Mich., alleging that the article had been shipped in interstate commerce in part on or about July 29, 1931, and in part on or about January 19, 1932, by the National Pharmaceutical Manufacturing Co., from Baltimore, Md., to Detroit, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture of Digitalis USP."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the containers.

Misbranding was alleged for the reason that the statement, "Tincture of Digitalis USP * * * standardized", appearing on the label, was false and misleading.

On December 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20379. Adulteration and misbranding of tincture of digitalis. U.S. v. Three 1-Pint Bottles, et al., of Tincture of Digitalis. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27339. I.S. no. 45257. S. no. 5527.)

This action involved the interstate shipment of a quantity of tincture of digitalis which was represented to be of pharmacopoeial standard and which was found to have a potency of about two thirds of that required by the United States Pharmacopoeia.

On December 4, 1931, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three 1-pint bottles and one 4-ounce bottle of tincture digitalis, remaining in the original packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 14, 1931, by Schieffelin & Co., from New York, N.Y., to St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture Digitalis * * * (Tinctura Digitalis U.S.P.) * * * Standardized biologically to meet the U.S.P. requirements."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, since its potency was only two thirds of that required by the said standard.

Misbranding was alleged for the reason that the statements on the can label, "Tincture Digitalis * * * (Tinctura Digitalis U.S.P.) * * * standardized biologically to meet the U.S.P. requirements", were false and misleading.

On December 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20380. Misbranding of Premo aspirin tablets. U.S. v. 1,584 Tins of Premo Aspirin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29537. Sample no. 20922-A.)

Examination of the Premo aspirin tablets involved in this action showed that the labeling bore unwarranted curative and therapeutic claims.

On November 28, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,584 tins of Premo aspirin tablets, remaining in the original unbroken packages at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about October 4, October 29, and November 18, 1932, by Blackman & Blackman, from New York, N.Y., to Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was labeled in part: "Tabs. Premo Aspirin * * * Premo Laboratories, New York, N.Y."

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling regarding the curative or therapeutic effects were false and fraudulent: (Display carton) "For * * * Toothache * * * Antiseptic Gargle, Rheumatism, Sciatica, Lumbago, Pain."

On January 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20381. Misbranding of Standard Hog Regulator. U.S. v. 11 Bags of Standard Hog Regulator. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29253. Sample no. 4811-A.)

Examination of the drug preparation, Standard Hog Regulator, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bag label and in the circular shipped with the article. Analysis showed that the article contained no significant amount, if any, of antimony sulphide, quassia, or Levant worm seed, all of which were listed as ingredients. It was further claimed in the circular that the product would fatten hogs, get them ready for market earlier, improve the appetite and digestion, and make them thriftier; whereas it would not.

On November 15, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 bags of Standard Hog Regulator at Morrison, Ill., alleging that the article had been shipped in interstate commerce on or about April 23, 1932, by the Standard Chemical Mfg. Co., from Omaha, Nebr., to Morrison, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium chloride, sodium bicarbonate, sodium sulphate, iron sulphate, charcoal, sulphur, sodium thiosulphate, and plant material including nux vomica. The article contained no antimony sulphide, quassia, Levant worm seed, nor anise seed.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Label) "Compounded * * * From the Following Articles * * * Antimony Sulphid $\frac{1}{2}$ of 1% * * * Quassia, Levant Worm Seed"; (circular) "Fattening Hogs * * * It will sharpen the appetite, increase the thrift and improve the digestion. It will help to make more pounds of pork from every bushel of grain fed. It will help get hogs ready for market earlier." Misbranding was alleged for the further reason that the following statements appearing in the circular, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Scouring * * * Thumps in Pigs—Give drinking water but no feed for 24 hours. Then give 1 to 2 tablespoonfuls to each 100 lbs. live weight morning and night until some relief is noticeable, then reduce to half the amount and continue regularly until cured. * * * to improve thrift, regulate the bowels, keep them free from worms and assist in preventing disease. Worms * * * After worms are expelled give Regulator in self-feeder as usual. Cough * * * Pregnant Sows—* * * It will keep them in normal, healthy, strong condition and help them farrow

large and healthy litters. * * * They will eat just the amount they need to improve the thrift, regulate the bowels, assist in keeping them free from worms, and help in preventing disease."

On December 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20382. Misbranding of Arium. U.S. v. 79 Boxes of Arium. Default decree of condemnation and destruction. (F. & D. no. 29164. Sample no. 15160-A.)

This case involved a product represented to be radium in tablet form, which was found to contain radium and strychnine. It was claimed for the article in the labeling that it would produce beneficial effects, whereas if taken according to directions, it might be dangerous to the health of the consumer.

On November 1, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 79 boxes of Arium, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce in various consignments on or about February 18 and 19, and July 6, 1927, by the Associated Radium Chemists, Inc., from New York, N.Y., to Tacoma, Wash., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained radium (2.6 millimicrograms per tablet) and strychnine.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Radium in Tablets", was false and misleading, since it also contained strychnine. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, "Take two tablets with swallow of water before or after each meal. To derive the most beneficial effects Arium should be taken regularly and as directed. A six weeks' course is recommended", were false and fraudulent, since the impression was created that the article would prove beneficial to the user, when in fact it might have been detrimental and dangerous if taken in accordance with directions.

On January 31, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20383. Misbranding of Pyro-Sana. U.S. v. 22 Bottles of Pyro-Sana, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29018. Sample no. 26229-A.)

Examination of the drug preparation Pyro-Sana disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On October 10, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-two 16-ounce bottles and eight 6-ounce bottles of Pyro-Sana, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 12, 1932, by the Alhosan Chemical Co., from St. Louis, Mo., to New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a small proportion of guaiacol, sugar, glycerin, and water (approximately 97 percent), colored with a red dye.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Pyro-Sana is now employed by more than 21,000 Dentists, Mouth Specialists and Dental Surgeons who daily use and prescribe it for mouth and gum infections and inflammations, from spongy, bleeding gums to the most obstinate and stubborn conditions. Many of them have used Pyro-Sana for more than 15 years in treating such

affections, including Pyorrhea and Trench Mouth. They have found its medicinal values singularly adapted to the delicate tissue and membrane of the mouth and gums, and have commended its prompt and effective action, as well as its soothing and pain-easing qualities. Pyro-Sana is Sure and Safe * * * The Combined Medicinal Values of Pyro-Sana are Potent and Vital Agents wherever applied to inflamed, irritated or infected tissues and membrane, on any part of the human body. The immediate effect is both soothing and pain easing. Pyro-Sana is recommended for Throat, Tonsils and Nasal Passages * * * Inflamed Areas."

On December 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20384. Misbranding of Orange Honey Compound Cough Syrup. U.S. v. 51 Bottles of Orange Honey Compound Cough Syrup. Default decree of condemnation and destruction. (F. & D. no. 28363. Sample no. 1964-A.)

Examination of the drug preparation, Orange Honey Compound Cough Syrup, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels. The name conveyed the impression that the article was compounded from oranges and honey, whereas the active ingredients were mineral drugs.

On June 2, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 51 bottles of Orange Honey Compound Cough Syrup at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about October 2, 1930, by the McKesson-Langley-Michaels Co., San Francisco, Calif., to Butte, Mont., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Orange Honey Compound * * * Cough Syrup * * * Manufactured by National Pharmacy Co., San Francisco, California."

Analysis of a sample of the article by this Department showed that it consisted essentially of an antimony compound such as tartar emetic, alum, honey, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the name "Orange Honey Compound Cough Syrup", appearing on the carton and bottle, was misleading in view of the composition of the article which included alum and an antimony compound as the active ingredients. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "Coughs * * * Whooping Cough, Croup, etc."; (bottle) "Coughs, Whooping Cough, * * * etc. Will prevent many a severe attack of croup if taken in time * * * If children wake suddenly at night and begin a choking cough, either from want of breath or an accumulation of phlegm in the throat, give the usual dose every 20 or 30 minutes until relief is afforded."

On December 10, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20385. Adulteration and misbranding of Gold Bond Sterilseptic toilet powder. U.S. v. 27 Cans of Gold Bond Sterilseptic Toilet Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29657. Sample no. 16448-A.)

Examination of the drug preparation, Gold Bond Sterilseptic toilet powder, showed that the article would not be effective as an antiseptic and sterilizing agent, which properties were claimed for the article in the labeling. Examination also disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed.

On December 22, 1932, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 cans of Gold Bond Sterilseptic toilet powder,

remaining in the original unbroken packages at Providence, R.I., alleging that the article had been shipped in interstate commerce on or about August 24, 1932, by the Gold Bond Sterilizing Powder Co., Fairhaven, Mass., to Providence, R.I., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of boric acid (3 percent), small proportions of menthol, thymol, and methyl salicylate and talc, perfumed with aromatics. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic Toilet Powder."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Can) "Antiseptic Toilet Powder, Guaranteed by Gold Bond Sterilizing Powder Co. under the Food and Drugs Act, June 30, 1906, Serial No. 25132"; (circular) "Promotes * * * sterilizing of the human skin * * * it performs the seemingly impossible and renders the skin free from bacteria. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Can) "For * * * Hives, Eczema, Bed Sores, Chicken Pox, Measles, Scarlet Fever, Pimples."

On January 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20386. Misbranding of Sal-Va-Sena. U.S. v. 62 Bottles of Sal-Va-Sena. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29013. Sample no. 26228-A.)

Examination of the drug preparation, Sal-Va-Sena, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On October 8, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 bottles of the said Sal-Va-Sena, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 17, 1932, by the Millin Drug Co., Memphis, Tenn., to New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt (21 grams per 100 milliliters), iron chloride, extracts of plant drugs including laxative drugs, citric acid, benzoic acid, alcohol (4.2 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton and bottle label) "Salvasena is beyond question the greatest of all remedies for Billiousness, * * * and a General Run-down Condition, and should always be kept on hand by every family as many cases of serious illness can be prevented by its timely use. * * * Directions for Taking * * * For * * * Billiousness, La Grippe, Etc."; (bottle label only) "Your Health depends on your Liver, Kidneys and Blood. If you are sick, treat these organs and in the majority of cases you will eradicate the cause. Salvasena is an excellent * * * Blood Purifier."

On December 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20387. Misbranding of Rice's remedy. U.S. v. 63 Bottles of Rice's Remedy. Default decree of condemnation and destruction. (F. & D. no. 29585. Sample no. 16083-A.)

Examination of the drug preparation, Rice's remedy, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label and in a circular shipped with the article.

On December 6, 1932, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 63 bottles of the said Rice's remedy, remaining in the original unbroken packages at Hartford, Conn., alleging that article had been shipped in interstate commerce on or about October 21, 1932, by the Rice Colic Remedy Co., from Springfield, Mass., to Hartford, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils including peppermint oil (3.2 percent), ether, extracts of plant drugs, including nux vomica, alcohol (83.9 percent), and water.

It was alleged in the libel that the article was misbranded in that the labeling bore false and fraudulent statements regarding its curative and therapeutic effects in all kinds of stomach and bowel troubles, pains, aches, throat troubles, nauseated sick stomach, chills, toothache, fainting spells, gases near the heart called "heart attack", any spasmodic action in muscles of stomach and throat, cording of muscles of any part of body, internal inflammation, building up before and after operations, helping to digest food by "stimulation force action", gastric troubles, sore throat, cold in body, any bad feelings from gases or inflammation, sustaining, giving pep and animation, acute sudden attacks and consequences, septic sore throat, heart attack (gases), intestinal grip, giving strength, weak heart, neuralgia in muscles of heart, convulsions, worms, chills, "tummie" ache, nervous people, gall stones, hemorrhages, coma, dysentery, drunkenness, earache, sore mouth, canker, paralysis, acid stomach, poison in stomach, internal inflammation, pains in chest, body, and stomach, bite of scorpion, bleeding piles, and severe pain.

On January 30, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20388. Adulteration of ground fenugreek and aloe. U.S. v. 21 Bags of Ground Fenugreek and 9 Cases of Aloe. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29294, 29295. Sample nos. 20469-A, 20470-A.)

These actions involved a lot of imported fenugreek, which upon analysis, produced an excessive amount of ash, indicating the presence of inorganic foreign material, and of a lot of imported aloe which failed to conform to the requirements of the United States Pharmacopoeia, in that it yielded more ash and contained more moisture than the maximum specified by the pharmacopoeia, and in that it did not yield a nearly clear solution in alcohol as required by the pharmacopoeia.

On November 14, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 21 bags of ground fenugreek and 9 cases of aloe, remaining in the original unbroken packages at Weehawken, N.J. It was alleged in the libels that the ground fenugreek had been imported from Marseilles, France, on or about December 1, 1931; that the aloe had been imported from Hamburg, Germany, on or about May 21, 1931; that both products had been imported by McIlvaine Bros., of Philadelphia, Pa.; that they had been subsequently transported from Philadelphia, Pa., to Weehawken, N.J.; and that they were adulterated in violation of the Food and Drugs Act.

Adulteration of the ground fenugreek was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, since it contained foreign inorganic matter. Adulteration of the aloe was alleged for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia.

On December 13, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20389. Misbranding of liquid medicine (fluidextract of ginger). U.S. v. 5 Barrels of Fluidextract Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27714. I.S. no. 41224. S. no. 5808.)

This libel involved five barrels of a product labeled, "Liquid Medicine." The article was of high alcoholic content, contained some ginger extractives, and also contained a phenolic compound and a phosphate, indicating the presence of tricresyl phosphate, the ingredient in imitation ginger fluidextract that has been shown to be responsible for "ginger" paralysis. The shipper of record was a corporation which, with other defendants, was convicted of conspiracy to violate the laws of the United States, and a violation of the Food and Drugs Act, for unlawful shipments of a similar product which was sold as fluidextract of ginger (N.J. no. 19400).

On February 3, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five barrels of the said liquid medicine, remaining in the original unbroken packages at St. Louis, Mo., which had been consigned in interstate commerce by the Hub Products Co., Boston, Mass. It was alleged in the libel that the article had been shipped in various lots on or about March 6, March 8, March 10, March 13, and March 15, 1930, from Boston, Mass., to St. Louis, Mo., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "From Hub Products Co., Boston, Mass. Liquid Medicine."

Misbranding of the article was alleged for the reason that its package or label failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On November 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20390. Misbranding of Jones' Liniment. U.S. v. Jacob K. Spiegel (M. Spiegel Medicine Co.). Plea of guilty. Sentenced to 30 days' imprisonment and 6 months' sentence suspended for 2 years. (F. & D. no. 28089. I.S. nos. 15796, 16066, 16067, 27530, 28080, 28260, 28261, 28306, 28307, 29122, 29123, 30501.)

Examination of the labeling and composition of the drug preparation, Jones' liniment, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels, and in a circular shipped with the article.

At the Utica 1932 term of court the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Jacob K. Spiegel, trading as the M. Spiegel Medicine Co., Albany, N.Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, between the dates of March 24, 1930, and March 28, 1931, from the State of New York into the States of Massachusetts, Maryland, Florida, Pennsylvania, and New Jersey, respectively, of 12 different consignments of the said Jones' liniment, which was misbranded. The article was labeled in part: "Manufactured by M. Spiegel Medicine Co., Albany, N.Y." Slight differences appeared in the therapeutic claims set out on the carton and bottle labels of the various shipments. A circular, identical in all shipments, accompanied the article.

Analysis of a sample of the article by this Department showed that it consisted essentially of a petroleum distillate such as kerosene, methyl salicylate, pine-ear oil, camphor oil, oil of sassafras, and capsicum oleoresin.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing on the carton and bottle labels, falsely and fraudulently represented that it was effective as a treatment for rheumatism, headache, backache, lameness, bunions, colic, and all bodily pains; effective for strengthening weak back and limbs and to heal bodily pains and inflammations, and effective as a relief for protracted pain, and effective as a treatment, remedy, and cure for sore throat, quinsy, nervous headache, backache, lameness; and effective as a treatment, remedy, and cure for rheumatism, lumbago, colic and cramps, earache, cold in the chest and lungs, gout, aching feet and inflamma-

tion; and effective as a pain killer, and effective as a safeguard against suffering from accidents and as a relief from lingering pain; and that certain of the carton and bottle labels falsely and fraudulently represented that it was also effective as a treatment for neuralgia and coughs, and as a relief in severe cases. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing in the circular accompanying the said article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatic and other pains in the joints, lower limbs, and hips; effective to reduce inflammation and swelling; effective as a treatment, remedy, and cure for backache, pains in the sides, shoulders, stiff neck and joints, neuralgia in the head, nervous headache, sciatica, sore throat and quinsy, earache, ear abscesses, swellings, pains in chest and lungs, bunions, corns, weak joints and ankles, colic, cramps, cholera morbus and other internal pains; effective as a treatment, remedy, and cure for cracked heels, scratches, cramps, contraction of muscles, sore throat, colic, distemper, epizootic, and other diseases that can be reached by external application, in horses and cattle; effective as a treatment, remedy, and cure for flu, cough, and bronchitis; and effective as a relief for catarrhal conditions.

On December 14, 1932, the defendant entered a plea of guilty to the information and the court imposed a sentence of 1 month's imprisonment in the county jail, and a 6 months' suspended sentence, the defendant being placed on parole for 2 years for the latter sentence.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20391. Misbranding of Sanalt. U.S. v. 29 Bottles of Sanalt. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28941. Sample no. 12164-A.)

Examination of the drug preparation Sanalt disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels. The article also was labeled to convey the impression that it was of vegetable origin, whereas one of the principal ingredients was Epsom salt, a mineral substance.

On September 24, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 bottles of Sanalt at Binghamton, N.Y., alleging that the article had been shipped in interstate commerce on or about May 31, 1932, by Winsol, Inc., from Boston, Mass., to Binghamton, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium sulphate (17.3 grams per 100 milliliters), extracts of plant drugs including nux vomica and licorice, flavoring oils including methyl salicylate, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "It contains the extracts of valuable vegetable alteratives", was false and misleading, since the impression was created thereby that the article was composed of ingredients of vegetable origin, when, in fact, it contained a large proportion of a mineral substance, magnesium sulphate (Epsom salt). Misbranding was alleged for the further reason that the following statements on the carton and bottle labels were false and fraudulent: (Carton) "Cleanses The Blood, Regulates The Secretions, Tones Up The System * * * Its use will be found helpful in such conditions as Chronic Constipation, Indigestion due to poor elimination, Jaundice, General Debility, Piles, Palpitation of the Heart, Scrofula, many obstinate Skin Eruptions, various nervous difficulties and other ailments arising from run down System or clogged bowels. It * * * operates upon many of the secretive and excretive organs, helping to produce a general change in the fluids of the system"; (bottle) "It operates upon many of the secretive and excretive organs, and helps to produce a gradual change in the fluids of the system, renovating the blood and freeing it from impurities. It is * * * an excellent preparation in cases of general debility and prostration of the nervous system. For that tired feeling and ailments caused or aggravated by constipation. * * * The dose may be increased or decreased, the object being to produce sufficiently laxative action to carry away the impurities secreted. It will be unnecessary to increase the dose above two tablespoonfuls, even if no laxative effect is experienced."

On November 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20392. Misbranding of Ulcicur. U.S. v. 17 Bottles of Ulcicur. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28407. Sample no. 6734-A.)

Examination of the drug preparation Ulcicur disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 21, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 bottles of the said Ulcicur, remaining in the original packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about February 9, 1932, by the Ulcicur Co., from Chicago, Ill., to St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample of the article by this Department showed that it consisted of a liquid and a powder. The liquid was composed of extracts of plant drugs including a bitter drug, glycerin, alcohol, sugar, and water. The powder consisted of bismuth subnitrate.

It was alleged in the libel that the article was misbranded in that numerous statements and testimonials appearing in the labeling regarding the effectiveness of the article in the treatment of stomach ulcers, duodenal ulcers, gastritis, acidity, stomach troubles induced or aggregated by too great acidity, pain and tenderness over the upper region of the stomach, gnawing or burning sensation which is particularly felt when the stomach is empty, cramps, doubling up, tearing or knife-like pains, inflamed condition of the abdominal lining around the ulcer, vomiting of blood, passing of blood by the bowel, excess of hydrochloric acid, sour or acid taste, prevalent bad breath, heartburn, belching, bloating, loss of appetite, nervousness, irritability, lowering of vitality, headaches, disturbed sleep and rest, periods of comfort between periods of discomfort and distress, hemorrhage (bleeding), anaemia, loss of weight, perforation, intense pain in the upper part of the abdomen with rigidity of its walls, faintness, rapid wiry pulse, pinched and anxious expression, distended abdomen, hunger pain, tenderness in the right abdominal region, indigestion, dyspepsia, flatulence due to hyperacidity, upset stomach from alcoholic beverages, other stomach troubles caused by faulty diet or hyperacidity, acidosis, chronic gastritis or catarrh of the stomach, hyperacidity called by many acute indigestion or dyspepsia, other stomach disorders, and disabled stomach, were false and fraudulent.

On November 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20393. Misbranding of O-Quaka. U.S. v. 63 Dozen Bottles of O-Quaka. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27699. I.S.no. 44457. S.no. 5778.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle labels. The name of the article and the ingredients listed on the bottle label, all vegetable substances, conveyed the impression that the product was an Indian remedy of vegetable origin, whereas one of the important ingredients was Epsom salt, a mineral drug.

On February 2, 1932, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 63 dozen bottles of O-Quaka, remaining in the original unbroken packages at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce, in part on or about June 15, and in part on or about June 26, 1931, by the Sigler Drug Co., from Springfield, Mo., to Fort Smith, Ark., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "O-Quaka * * * Manu-

factured by O-Quaka Medicine Co. Sigler Drug Co., Distributors, Springfield, Mo."

Analysis of a sample of the article by this Department showed that it consisted of magnesium sulphate (Epsom salt) (12.5 grams per 100 milliliters), extracts of plant drugs including laxative drugs, and water, sweetened with saccharin and preserved with a benzoate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Bottle label) "For the Kidney, Liver, Stomach and Blood Recommended for Indigestion, Rheumatism, * * * Impure Blood, Weak Men and Women, Lame and Painful Back * * * Eat or drink anything you wish. * * * If you suffer with any disease, acute or chronic, give this * * * remedy a * * * trial. * * * The Great Liver, Kidney, Stomach and Blood Remedy."

This Department recommended that a charge be included in the libel that certain statements appearing in the labeling were false and misleading. The libel, however, charged that the said statements, which are set out below, were false and fraudulent: (Bottle label) "Which is given us by the God of Nature. * * * Contains Mayapple, Poke and Sarsaparilla Roots, Prickly Ash, Wild Cherry, Cascara and Sassafras Bark, and Damianna, Buchu and Senna. * * * Indian Remedy"; (shipping container) "Indian Herb Tonic."

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20394. Adulteration and misbranding of Vin: Iodine Comp., cinchophen tablets, Acetphenine tablets, quinine sulphate tablets, Bis-Ma-Cal tablets, Salacephen tablets, acetanilid compound tablets, salol capsules, sodium salicylate tablets, Kalmolax tablets, salol and phenacetin tablets, and grippe tablets. U.S. v. Llewellyn Laboratories, Inc. Plea of guilty. Fine, \$150. (F. & D. no. 27570. I.S. nos. 26446, 29826, 29827, 29828, 29862, 29863, 29864, 29865, 29866, 29867, 29869, 29872, 29873.)

This case involved a shipment of a liquid drug preparation known as Vin: Iodine Comp. and of various pharmaceuticals in tablet or capsule form. The Vin: Iodine Comp. was represented to contain phosphorus and bromine, whereas it contained no free bromine and no free phosphorus; it also contained less iodine than declared; and more alcohol than declared on the carton and circular. The tablets were found to contain a smaller amount of one or more of the essential drugs than labeled; the acetanilid compound tablets were not only deficient in acetanilid but contained citrated caffeine in excess of the declared amount. The labels of the Vin: Iodine Comp. and the grippe tablets also bore unwarranted therapeutic claims.

On August 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Llewellyn Laboratories, Inc., a corporation, trading at Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on November 19, 1930, and March 4, 1931, from the State of Pennsylvania into the State of Ohio, of a quantity of Vin: Iodine Comp.; and on or about March 4, March 18, March 30, and April 13, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of drug tablets, which said products were adulterated and misbranded. The Vin: Iodine Comp. was labeled in part: (Bottle) "Vin: Iodine Comp. Contains 35% Alcohol Phosphorus, Iodine and Bromine"; (carton) "Contains 15% Alcohol Phosphorus, Iodine and Bromide"; (circular) "Iodine gr. $\frac{1}{6}$, Bromine gr. $\frac{1}{6}$, Phosphorus gr. $\frac{1}{100}$ in each fluid-drachm." The tablets were labeled in part: "Cinchophen 5 Grs."; "Acetphenine Acetphenetidin $\frac{1}{2}$ grs., Acetylsalicylic Acid 3 grs., Caffeine $\frac{1}{2}$ gr."; "Quinine Sulph. 2 gr."; "Bis-Ma-Cal Magnesium Carb. 2 gr., Bismuth Subnit. $\frac{1}{2}$ gr., Calcium Carb. $3\frac{1}{2}$ gr."; "Salacephen * * * Acetphenetidin 2 grs."; "Acetanilid Comp. * * * Acetanilid 2 grs., Citrated Caffeine $\frac{1}{2}$ gr."; "Salol 5 grs."; "Sodium Salicylate 5 Grs."; "Kalmolax Each tablet contains * * * $\frac{1}{4}$ gr. Phenolphthalein"; "Salol and Phenacetine Salol $2\frac{1}{2}$ grs., Phenacetine $2\frac{1}{2}$ grs."; "Grippe Acetanilid $1\frac{1}{2}$ grs., Quinine Sulph. $\frac{1}{2}$ gr." The articles were further labeled: "Llewellyn Laboratories, Inc. [or "Llewellyn Inc."] Philadelphia."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in the following respects:

The Vin: Iodine Comp. was represented to contain phosphorus and bromine, it was represented to contain $\frac{1}{6}$ grain of iodine, $\frac{1}{6}$ grain of bromine, and 1/100 grain of phosphorus in each fluidrachm, whereas it contained not more than 0.0414 (approximately 1/24 grain) of iodine per fluidrachm, and contained no free bromine and no free phosphorus.

The cinchophen tablets were represented to contain in each 5 grains of cinchophen, whereas each tablet contained not more than 3.88 grains of cinchophen.

The Acetphenine tablets were represented to contain in each 3 grains of acetylsalicylic acid and $\frac{1}{2}$ grain of caffeine, whereas the said tablets each contained less than 3 grains of acetylsalicylic acid, the two lots containing not more than 2.388 grains and 2.598 grains respectively, per tablet, and one lot contained less caffeine than represented, namely, not more than 0.413 grain of caffeine per tablet.

The quinine sulphate tablets were represented to contain in each 2 grains of quinine sulphate, whereas each tablet contained not more than 1.473 grains of quinine sulphate.

The Bis-Ma-Cal tablets were represented to contain in each 2 grains of magnesium carbonate, $\frac{1}{2}$ grain of bismuth subnitrate, and $3\frac{1}{2}$ grains of calcium carbonate, whereas each of said tablets contained not more than 1.609 grains of magnesium carbonate, not more than 0.383 grain of bismuth subnitrate, and not more than 2.607 grains of calcium carbonate.

The Salacephen tablets were represented to contain in each 2 grains of acetphenetidin, whereas each of said tablets contained not more than 1.687 grains of acetphenetidin.

The acetanilid compound tablets were represented to contain in each 2 grains of acetanilid and $\frac{1}{2}$ grain of citrated caffeine, whereas each of said tablets contained less acetanilid and more citrated caffeine, than represented, namely, not more than 1.605 grains of acetanilid and not less than 0.65 grain of citrated caffeine.

The salol capsules were represented to contain in each 5 grains of salol, whereas each capsule contained not more than 3.925 grains of salol.

The sodium salicylate tablets were represented to contain in each 5 grains of sodium salicylate, whereas each tablet contained not more than 3.939 grains of sodium salicylate.

The Kalmolax tablets were represented to contain in each $\frac{1}{4}$ grain of phenolphthalein, whereas each of said tablets contained not more than 0.221 grain of phenolphthalein.

The salol and phenacetin tablets were represented to contain in each $2\frac{1}{2}$ grains of salol and $2\frac{1}{2}$ grains of phenacetin, whereas each tablet contained not more than 2.137 grains of salol and not more than 2.144 grains of phenacetin.

The grippe tablets were represented to contain in each $1\frac{1}{2}$ grains of acetanilid and $\frac{1}{2}$ grain of quinine sulphate, whereas each tablet contained not more than 1.01 grains of acetanilid and not more than 0.432 grain of quinine sulphate.

Misbranding of the said Vin: Iodine Comp. was alleged for the reason that the statements, "Contains * * * Phosphorus * * * and Bromine" on the bottle label, the statement "Contains 15% Alcohol Phosphorus," borne on the carton, and the statements "Iodine gr. $\frac{1}{6}$, Bromine gr. $\frac{1}{6}$, Phosphorus gr. 1/100 in each fluidrachm contains 15% Alcohol", appearing in the circular, were false and misleading, since the article contained more than 15 percent of alcohol, it contained less than $\frac{1}{6}$ grain of iodine in each fluidrachm and contained no free phosphorus and no free bromine. Misbranding of the Vin: Iodine Comp. was alleged for the further reason that the carton failed to bear a statement of the quantity or proportion of alcohol contained in the article, since the statement appearing on the carton was incorrect.

Misbranding of the remaining products was alleged for the reason that the statements (cinchophen tablets) "Cinchophen 5 Grs.", (both lots of Acetphenine tablets) "Acetylsalicylic Acid 3 grs. * * * Tablet", (portion of said Acetphenine tablets) "Caffeine $\frac{1}{2}$ gr.", (quinine sulphate tablets) "Quinine Sulph. 2 gr.", (Bis-Ma-Cal tablets) "Magnesium Carb. 2 gr. Bismuth Subnit. $\frac{1}{2}$ gr. Calcium Carb. $3\frac{1}{2}$ gr.", (salacephen tablets) "Acetphenetidin 2 grs.", (acetanilid compound tablets) "Acetanilid 2 grs. Citrated Caffeine $\frac{1}{2}$ gr.", (salol tablets) "Salol 5 grs.", (sodium salicylate tablets) "Sodium Salicylate 5 grs.", (Kalmolax tablets) "Each tablet contains * * * $\frac{1}{4}$ gr. Phenolphthalein", (salol

and phenacetin tablets) "Salol 2½ grs. Phenacetine 2½ grs.", and (grippe tablets) "Acetanilid 1½ grs. Quinine Sulph. ½ gr.", were false and misleading.

It was further alleged that the said Vin: Iodine Comp. was misbranded in that certain statements appearing in the circular shipped with the article falsely and fraudulently represented that it was effective as an active and satisfactory remedy for rickets in children and kindred conditions; and that the said grippe tablets were misbranded in that certain statements appearing on the bottle label falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for grippe.

On December 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20395. Misbranding of Klinodento tooth paste. U.S. v. 60 Dozen Large Packages, et al., of Klinodento Tooth Paste. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 28599. Sample no. 7835-A.)

Examination of samples of Klinodento tooth paste disclosed that the article contained no ingredient or combination of ingredients capable of producing certain therapeutic effects claimed in the labeling. It was also represented that the article contained magnesium peroxide, whereas it contained no magnesium peroxide.

On August 12, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 dozen large packages and 75 dozen small packages of Klinodento tooth paste, alleging that the article had been shipped on or about May 9, 1932, by the New England Collapsible Tube Co., from New London, Conn., to San Juan, P.R.; that the article was being sold and offered for sale in Puerto Rico by the Drug Company of Puerto Rico, Inc., at San Juan, P.R.; and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: "Crema Dental Klinodento The North American Co., Inc. Laboratories, New London, Conn."

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium hydrate and calcium carbonate in paste form, flavored with anise oil. No magnesium peroxide was present.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, were false and misleading: (Carton and tube) "The Dental Cream Klinodento contains Magnesium Peroxide * * * due to the virtue of the oxygen that said preparation develops"; (circular) "1. It contains peroxide of magnesia which develops a large quantity of oxygen when in the mouth. This oxygen acts immediately on the bacteria, leaving them immune, that is to say, inactive and reduced to impotency for a long period of time. 2. The peroxide of magnesia is soluble only in a minimum of 15,000 parts of water, almost insoluble, therefore, it is not diluted and rapidly eliminated by the saliva but remains 'as such' between the interstices of the teeth, continually exercising its beneficent action. * * * The more is used, the greater quantity of oxygen it will develop in the mouth." Misbranding was alleged for the further reason that the following statements appearing in the labeling, were false and fraudulent: (Carton and tube) "Immunizes the bacteria (causer of the caries and the pyorrhea alveolar) * * * your gums will stop bleeding, suppurating, aching and smelling bad. In this way you will avoid the two greatest enemies of the teeth: the Caries and Pyorrhea Alveolar"; (circular) "Immunizes the bacteria, removing their destructive power. Prevents caries, * * * Excellent for the diseased and aching gums. Prevents the terrible disease 'alveolar pyorrhea'. Assists the dentist in combating this disease. * * * 6. It is highly efficacious in the prevention of alveolar pyorrhea, not permitting this terrible and devastating disease to invade the gums and alveoli. 7. It is marvelously efficacious in the assistance it gives to the dentist during and after the treatment of alveolar pyorrhea. 8. It is prepared especially for combating excessive caries in the teeth of persons living in tropical countries, a disease which constitutes a real plague which is increasing every day and doing more damage."

On November 21, 1932, the North American Hygienic Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and

the execution of a bond in the sum of \$200, conditioned that it should not be sold or otherwise disposed of until relabeled in conformity with the provisions of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20396. Misbranding of Tricasco Rx. U.S. v. 156 Packages of Tricasco Rx. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29116. Sample no. 3643-A.)

Examination of the drug preparation Tricasco Rx disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label and in the circular shipped with the article. The article was represented to be a vegetable preparation, whereas it contained mineral drugs.

On or about October 25, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 156 packages of Tricasco Rx at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about September 1, 1932, by Tricasco Laboratories, from Chicago, Ill., to Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide (0.7 gram per 100 milliliters), ammonium acetate, small proportions of a magnesium compound and a cathartic resin, a trace of a salicylate, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement, "prepared from the extracts obtained of roots, barks and leaves", appearing on the carton, was false and misleading in view of the composition of the article. Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and fraudulent: (Carton) "For the treatment of a Run-down Condition and various other Ailments Detrimental to Health. A System Cleanser and Tonic * * * to bring back resistance to disease * * * for the elimination of impurities and acids in your body which cause so many diseases. * * * Nature's laws are perfect if only we obey them, but disease follows disobedience. Go straight to nature for the cure, to the forest, the field and the meadow. Curative mysteries are hidden there, many of which are contained in this prescription"; (circular) " * * * to cleanse your body of such poisons that are the cause of so many diseases, and which result in what is so commonly called 'a run down system.' * * * to let the world of human sufferers learn of its power to relieve their ills. * * * rids the poisons, impurities and acids of the body which are the cause of so many diseases of the Lungs, Heart, Stomach, Liver, Kidneys, Bladder, Bowels, Nerves and Blood. Its healing qualities are valuable, particularly in the treatment of the following disorders: Stomach Trouble, Indigestion, Catarrh of Stomach, Ulcers of the Stomach, Gallstones or Gravel, Gall Bladder Infection, Liver Complaints, Billiousness, Sick Headache, Loss of Sleep, Dizziness, Nervousness, Neuritis, Palpitation of the Heart, Arthritis, High Blood Pressure, Rheumatism, Sciatica, Gout, Lumbago, * * * Uric Acid in the Blood, Piles, Kidney Disorders, Pains in the Back, Bladder Trouble, Painful and Frequent Urination, Overweight, Asthma, Skin Disease, Anemia, Coughs, * * * LaGrippe, Impure Blood, Tired Feeling and a General Run Down System. Perhaps you may want to know why and how your system becomes congested with the accumulation of impurities and poisons which in medical terms are called 'poison toxins.' The chief cause is constipation, the Breeder of most of the diseases described. Science tells us constipation is the mother of 80 per cent of all diseases. Constipation is one of the greatest evils civilization wrought upon us humans. Constipation amongst primitive peoples does absolutely not exist: no wonder they enjoy better health, are happier, and live to a riper old age than we civilized mortals, without any aid of medical science. And, yet, civilization created still a greater evil when it encouraged the use of cathartics such as Salts, Pills, and many other harsh laxatives, most of which are of an irritating mineral origin which only gives immediate relief by stimulating intestines and bowels, irritating them, thereby causing paristalsis. Such irritation tends only to fatigue and weaken the intestines, inflaming the tissues they are made of. These organs eventually are not capable of functioning in the least, consequently developing a more chronic and serious nature of constipation. The only proper method

to treat constipation is to remove the seat of such trouble, a catarrhal condition clinging fast on the interior walls of the intestines and bowels thereby obstructing the smooth passage of waste matter containing many poison toxins and delaying evacuations of the intestines giving the blood an opportunity to absorb such poisons and conveying them to the entire body. These poisons accumulate faster than the body is capable to throw off, resulting in your system to become 'run down,' thereby lowering your resistance and opening the way for the attack of many diseases. This condition is called by medical men 'auto-intoxication,' or in plain language the 'act of self-poisoning.' * * * removes the accumulation of intestinal catarrh so your bowels will move naturally. The very first few doses often brings out astonishing amounts of old poisonous waste matter which may have been in the system a long time. Do You Tire out easily? Are you 'all in' before the day's work is done? Do you feel just too fagged out to go out for an evening of pleasure? Do you get irritable with children or friends? Do you just hate to have people talk to you? Do you snap back at your best friend or life mate? Perhaps you even wonder what other people can see worth while in life. Perhaps you are envying those who have pep and go out with gay, laughing friends. You may not be sick enough to be in bed, but if you allow your condition to go on, the results may become serious. Why let yourself lead a dull, lonesome, miserable existence? Build up your strength, pep and energy; then you will take on a new lease on life; you will enjoy gay, laughing friends about you, and you, too, will be able to work with pleasure and enjoy life to the fullest. Tricasco prescription builds up your entire body, making red, rich blood and increasing its quantity. It rids the body of all poisons and accumulation and in this way it adds strength and new life to the stomach, heart, liver, bowels and all other organs and glands of your body. Often only a few doses of Tricasco prescription give very surprising results. A single bottle will make you sleep sounder, give you a better appetite and help you get more nourishment from the food you eat; then nervousness, headache, weakness and other ills disappear; and you will have more pep and vitality than you have had for years. In this age of hurry and worry, nine out of ten people require more strength and vitality. Tricasco prescription supplies this in the shortest possible time * * * Positive in action; permanent in effect."

On December 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20397. Adulteration and misbranding of Petro-Colon-Antiseptici. U.S. v. 87 Bottles of Petro-Colon-Antiseptici. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29152. Sample nos. 16689-A, 16734-A.)

Examination of the drug preparation, Petro-Colon-Antiseptici, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label. It also was represented in the labeling that the article was an antiseptic and germicide, whereas it was not.

On November 5, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 87 bottles of Petro-Colon-Antiseptici, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce in part on or about April 19, and in part on or about October 13, 1932, by the Estes Surgical Supply Co., Atlanta, Ga., to Jacksonville, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of liquid petrolatum and a small portion of alcohol, colored red, flavored with benzaldehyde. Bacteriological examination showed that the article possessed no antiseptic properties.

It was alleged in the libel that the article was adulterated in that its strength and quality fell below the professed standard under which it was sold, namely, "Antiseptici, Germicide, Antiseptic."

Misbranding was alleged for the reason that the statements, "Antiseptici, Germicide, Antiseptic", were false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the bottle

label were false and fraudulent: "Colon-Antiseptici Germicide Antiseptic * * * inhibits the growth of lower forms of bacteria in the intestinal tract and thus allays fermentation and the distressing symptoms, which follow and eventually lead to the condition of auto-intoxication. * * * Valuable for stomach, colon, and intestinal troubles, jaundice, chronic appendicitis or any trouble of the alimentary canal. * * * Directions * * * Commence by taking one oz. (two tablespoonfuls) night and morning; varying dose—taking enough to produce two movements of the bowels each day."

On December 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20398. Misbranding of Zo-Ro-Lo. U.S. v. 1,416 Bottles of Zo-Ro-Lo. Default decree of condemnation and destruction. (F. & D. no. 28305. Sample no. 8586-A.)

Examination of the drug preparation Zo-Ro-Lo disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On May 13, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,416 bottles of Zo-Ro-Lo, remaining in the original unbroken packages at Titusville, Pa., alleging that the article had been shipped in interstate commerce, in part on or about November 11, 1931, and in part on or about January 28, 1932, by Zo-Ro-Lo, Inc., from Ada, Ohio, to Titusville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt (16 grams per 100 milliliters), magnesium citrate (4.8 grams per 100 milliliters), free citric acid, glycerin, small proportions of menthol and benzoic acid, and water, colored red.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling were false and fraudulent: (Bottle labels) "It Assists Nature to re-establish normal process of metabolism and to relieve the ailments arising from intestinal putrefaction, including Arthritis, Rheumatism, Sciatica, Neuritis, * * * High Blood Pressure, Indigestion, Fatigue, Bloating, * * * Asthma, Acidosis, Eczema, Catarrh, Billiousness, Jaundice, Dizziness, etc. * * * 'Remove The Cause Nature Will Do The Rest.' Directions * * * to insure proper elimination * * * For indigestion, acidosis * * * take a tablespoonful at the time of distress. For sore throat * * * For chronic stomach disorders * * * For insomnia take before retiring. * * * Since Zo-Ro-Lo is designed to assist Nature to establish a normal process of metabolism, and this process is largely dependent on the body chemistry of each individual, no arbitrary rule can be laid down which will fit the case of everyone who takes Zo-Ro-Lo. Only an average treatment can be recommended, which must be varied, according to the individual requirements of each person. The amount, frequency and best time of day to take Zo-Ro-Lo for maximum results are best determined by varying the dose slightly (either larger or smaller than the average recommendation) from time to time until the most gratifying results are obtained"; (carton) "A valuable medicine designed to assist Nature in the relief of Arthritis, Rheumatism, Sciatica, Neuritis, * * * High Blood Pressure, Fatigue, Indigestion, Bloating, * * * Dizziness, Billiousness, Shortness of Breath, Sluggishness, Jaundice, Catarrh, Asthma, Hay Fever, Acidosis, Eczema, and many ailments arising from faulty elimination. * * * to insure the most gratifying results in assisting Nature in freeing the system of the poisons which arise from the absorption of impurities through the alimentary tract, as indicated. One's system does not ordinarily become affected in a day or week. A change is usually a gradual process. This is Nature's own method, and Nature is never violent. Therefore it sometimes requires a course of this medicine to produce maximum results. [Similar statements are made in foreign languages.]"

On December 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20399. Misbranding of Dr. Orth's prescription for the stomach. U.S. v. 86 Packages of Dr. Orth's Prescription for the Stomach. Default decree of condemnation and destruction. (F. & D. no. 28649. Sample no. 8557-A.)

Examination of the drug preparation, Dr. Orth's prescription for the stomach, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and box labels and in the circular shipped with the article.

On August 12, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 86 packages of Dr. Orth's prescription for the stomach, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 17, 1931, by the Orth Laboratory Co., from East Liverpool, Ohio, to Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium bicarbonate, magnesium carbonate, and ginger.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and fraudulent: (Carton) "For the Stomach * * * Directions To Remove Indigestion * * * take one teaspoonful after eating * * * Let Your Own Stomach Be the Judge. * * * Recommended for * * * Constant Hunger, * * * Pains in the Stomach and Side"; (container label) "For the Stomach Let Your Own Stomach Be the Judge. * * * Directions to Remove indigestion * * * take one teaspoonful after eating * * * Recommended for * * * Constant Hunger, * * * Pains in the Stomach and Side"; (circular) "Your Prescription For Health * * * Stomach Remedy * * * Recommended for * * * Indigestion, Dyspepsia, * * * Constant Hunger, Coated Tongue, Pains in the Stomach and Side. * * * The ills we suffer are caused by neglect or abuse of the stomach. Doctor Orth estimates that nine out of ten cases of stomach trouble are the result of Acid-Stomach. What is Acid-Stomach? It is the excess acid acting on food, causing it to sour and ferment. This goes on day and night, ceaselessly, sending poisonous germs and harmful acids all over the body, instead of strength and life. Acid-Stomach What are the results of Acid-Stomach? Indigestion * * * Bloating, Dyspepsia * * * Belching, Palpitations, Vertigo, * * * Loss of Appetite, or Morbid Craving for certain indigestible articles of food, Hiccough, sometimes Nausea and Drowsiness; and in advanced stages leads to ulcers and cancer. * * * of stomach disorder. * * * Remedy contains * * * elements that absorb * * * the acids * * * and eliminates the poison from the system. * * * it not only corrects * * * but stimulates the action of the intestines in carrying off effete body poison, excess bile, waste matter, toxin and acids, which if neglected cause Kidney Derangement, Uric Acid, Rheumatism, Skin Eruption, High Blood Pressure, Hardening of the Arteries, Nervousness, Insomnia, Loss of Health and Strength. Acid-Stomach and Indigestion are not contracted in a day or week, and it cannot be corrected in a day, or by one or two doses of medicine. We recommend a thorough trial of Doctor Orth's Stomach Remedy. The stomach is the storehouse and workshop of the whole body. To maintain your health, keep your stomach strong and working right. Doctor Orth's Stomach Remedy will tone up the stomach and intestines, if taken for a time. * * * Auto-Intoxication If Acid-Stomach is not corrected Auto-Intoxication or self-poisoning follows as the result of undigested food passing into the intestinal tract which is then absorbed into the blood, through the very ducts which should absorb only nourishment to sustain the body. The blood is life. It must be pure and healthy. * * * may be taken after every meal without causing any harm. * * * used by eminent Stomach Specialists. * * * As a tonic * * * To remove Acute Indigestion, Pain and fullness of the Stomach, * * * In long standing cases of indigestion, soreness of stomach, * * * In cases of chronic constipation or soreness of bowels, * * * To regulate proper movement of bowels, * * * Let your stomach be the judge. * * * Do you have a coated tongue? Do you have indigestion? * * * Do you feel tired and weak? * * * Do you feel light headed and dizzy? Do you have disturbed sleep? Do you have fullness * * * Do you have rheumatism, back-ache, soreness of abdomen and susceptible to cold and constant hunger? Any or all of these symptoms indicate impaired digestion or

disordered stomach Doctor Orth's Stomach Remedy helps keep you well. * * * [Testimonials] 'I suffered from Stomach Trouble for over a year—as a result my system became poisoned resulting in Rheumatism and backache, so much so that I could not work, and suffered untold agony. Got no relief until a friend got me a box of Dr. Orth's Stomach Remedy and after taking one box I have fully recovered and am now able to do my own work.' * * * 'I have had stomach trouble for many years, and spent much time and money * * * with no relief. A friend told me about Dr. Orth's Stomach Remedy, I was induced to try it and now am very glad I did, as I am now a well man, feeling good. I am glad to recommend it to all who suffer with stomach trouble.' * * * 'After using several kinds of stomach medicine, I know I have found "The Stomach Remedy." I could not eat any meat or heavy food, my stomach was in an awful condition, and I could not sleep. * * * I had such pains in my stomach and side, everything I would eat formed gas. The Doctors told me that I had an ulcerated stomach. After I had taken your remedy, I can eat meat or other foods with pleasure. I am well pleased with your remedy, and I do not think there is any better remedy for the stomach. I gave a box to a lady 59 years old, and after taking it she is up and doing her work, which she had not been able to do for three months. Doctor Orth's Stomach Remedy is certainly a wonderful medicine.'"

On December 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20400. Misbranding of Collins plasters. U.S. v. 6,192 Collins Plasters. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 29079. Sample no. 16456-A.)

Examination of the drug preparation, Collins plasters, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On October 18, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6,192 Collins plasters, remaining in the original unbroken packages at Malden, Mass., alleging that the article had been shipped in interstate commerce on or about July 3, 1931, by Johnson & Johnson, from New Brunswick, N.J., to Malden, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of capsicum oleoresin, starch, and rubber spread on a cloth fabric attached to two metal strips, one of zinc, the other of copper.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Circular) "For the Relief of Pain. * * * and Inflammation * * * Collins Plaster, for the relief of pain, * * * and inflammation, * * * healing and strengthening * * * for healing purposes, * * * healing virtues, * * * for the relief of pain and inflammation * * * To be used for: Rheumatism, * * *

Local Pains, Affections of the Chest, Injuries of the Back, * * * Weak Back, Cramp in the Stomach and Limbs, Rheumatism of the Wrist and Arms, Pains in the Chest, * * * Pain in the Hip, * * * Pain and Weakness in Side and Back, Lumbago, Sharp Pains in the Breast, and for Lameness and Soreness in any part of the Body. Collins Plasters For Lameness and Soreness in any part of the Body. * * * for the relief of pain, * * * and inflammation. * * * Special Directions. For Rheumatism * * * Apply the Collins Plasters to any part of the body where pain or soreness is felt. * * * For Sciatica * * * If the pain is in the hip, * * * For Weak Muscles and Joints * * * imparting strength to weakened muscles and tendons. For Simple Bone Fractures, * * * For Spinal Pains, or pain in any part of the spinal column. They may prove of value placed over the spinal column and one on the pit of the stomach, when a decided and continuous effect is desired. For Chest Pains, difficult breathing, soreness or lameness of the chest * * * These affections are relieved in many cases by the application of the Collins Plasters. For Sensitive or Weak Lungs this plaster is usually of benefit, assisting in removing soreness, tenderness and pain. * * *

For Female Weakness.—Females during certain periods may experience relief from the use of these plasters, when worn over the abdomen or small of the back. For Sudden and Severe Pains in the Side and Back, and in fact in any part of the body."

On December 20, 1932, the Potter Drug & Chemical Corporation, Malden, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$500, in lieu of bond, conditioned that the circulars accompanying the article be removed and destroyed and that circulars satisfactory to this Department be substituted therefor.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT NOS. 20351-20400

	N.J. No.
Acetanilid compound tablets: Llewellyn Laboratories, Inc.	20394
Acetphenine tablets: Llewellyn Laboratories, Inc.	20394
Aloe: McIlvaine Bros.	20388
Arium: Associated Radium Chemists, Inc.	20382
Aspirin tablets: Blackman & Blackman	20380
Premo Laboratories	20380
Belladonna leaves, tincture: National Pharmaceutical Manufacturing Co.	20373
Bis-Ma-Cal tablets: Llewellyn Laboratories, Inc.	20394
Cates', Dr., Cato tooth paste: Cato Chemical Co.	20357
Cinchophen tablets: Llewellyn Laboratories, Inc.	20394
Collins' plasters: Johnson & Johnson	20400
Cough sirup: McKesson - Langley - Michaels Co.	20384
National Pharmacy Co.	20384
Cow-Calf compound: Bozarth, Dr., W. A.	20353
Froberg, J. W.	20353
Froberg, Remedy Co.	20353
Digitalis, tincture: National Pharmaceutical Mfg. Co.	20378
Schiffelin & Co.	20379
Ergot-Apiol: American Pharmaceutical Co.	20354
Chermak Drug Co.	20354
Ergot, fluidextract: Standard Pharmaceutical Corp.	20358
Ether: Mallinckrodt Chemical Works	20355, 20369
Fem: McKesson Merrell Drug Co.	20367
Merrell, J. S. Drug Co.	20367
Fenugreek, ground: McIlvaine Bros.	20388
4-44 (Four forty-four): Nethery, W. B.	20375
United Laboratories	20375
Ginger, fluidextract: Hub Products Co.	20389
Gold Bond Sterilizing toilet powder: Gold Bond Sterilizing Powder Co.	20385
Grippe tablets: Llewellyn Laboratories, Inc.	20394
Jones' liniment: Spiegel, J. K.	20390
Spiegel, M., Medicine Co.	20390
Kalmolax tablets: Llewellyn Laboratories, Inc.	20394
Kemozone solution: Select Drug Products Co.	20365
King's Ceko dental paste: King, C. G., & Co., Inc.	20377
Klinodonto tooth paste: Drug Co. of Puerto Rico, Inc.	20395
New England Collapsible Tube Co.	20395
North American Co., Inc.	20395
Liquid medicine (fluidextract of ergot): Hub Products Co.	20389
McNess', F. W., Cod Liver Oil Tonic: Furst & Thomas Co.	20362
Furst-McNess Co.	20362

	N.J. No.
Merchant's Gargling Oil Liniment, Family Use: Merchant's Gargling Oil Co.	20376
Man or Beast: Merchant's Gargling Oil Co.	20376
Menthoform: Furst & Thomas Co.	20362
Furst-McNess Co.	20362
Miller's Anti-Mole: Miller Manufacturing Co.	20372
Morrison's Old English liniment: Burbank, R. C.	20363
Foster, James W., Co.	20363
Morgan, George	20363
Numoss: C. R. Products Co.	20370
Rubano, Charles	20370
Rubano, Tina	20370
O-Quaka: Sigler Drug Co.	20393
O-Quaka Medicine Co.	20393
Or-Aid: Warner's Renowned Remedies Co.	20352
Or-San Co.	20352
Orange honey compound cough sirup: McKesson - Langley - Michaels Co.	20384
National Pharmacy Co.	20384
Orth's, Dr., prescription for the stomach: Orth Laboratory Co.	20399
Pain Oil: Furst & Thomas Co.	20362
Furst-McNess Co.	20362
Painallay: Painallay Co.	20356, 20359
Petro-Colon Antiseptic: Estes Surgical Supply Co.	20397
Photo-Synthetic tea: Diller, C. F.	20360
Photo-Synthetic Tea Co.	20360
Premo aspirin tablets: Blackman & Blackman	20380
Premo Laboratories	20380
Pyro-Sana: Alhosan Chemical Co.	20383
Quinine sulphate tablets: Llewellyn Laboratories, Inc.	20394
Radium ointment: Denver Radium Service	20351
Rice's remedy: Rice Colic Remedy Co.	20387
Ru-Co The Wonderful: Collins, Clyde, Chemical Co.	20374
Salacephen tablets: Llewellyn Laboratories, Inc.	20394
Salol and phenacetin tablets: Llewellyn Laboratories, Inc.	20394
capsules: Llewellyn Laboratories, Inc.	20394
Sal-Va-Sena: Millin Drug Co.	20386
Sanalt: Winsol, Inc.	20391
Sodium salicylate tablets: Llewellyn Laboratories, Inc.	20394
Standard hog regulator: Standard Chemical Manufac- turing Co.	20381
Stekete's neuralgia drops: Hazeltime & Perkins Drug Co.	20364
Stekete, Geo. E.	20364
pin worm destroyer: Hazeltime & Perkins Drug Co.	20364
worm destroyer: Hazeltime & Perkins Drug Co.	20364

	N.J. No.		N.J. No.
Thynn Tabs:		Tricasco Rx:	
National New York Pack-		Tricasco Laboratories-----	20396
ing Co-----	20361	Ulcicur:	
Obesity Research Bureau, Inc.	20361	Ulcicur Co-----	20392
Urodonal:		Urodonal:	
Wallau, G. J., Inc-----	20366	Vapex:	
Cato Chemical Co-----	20357	Fougera, E., & Co., Inc-----	¹ 20371
Drug Co. of Puerto Rico, Inc.	20395	Vin: Iodine Comp:	
King, C. G., & Co., Inc-----	20377	Llewellyn Laboratories, Inc--	20394
New England Collapsible Tube		Walker's Old Indian health tonic:	
Co-----	20395	Walker Co-----	20368
North American Co., Inc.,		Zo-Ro-Lo:	
Laboratories-----	20395	Zo-Ro-Lo, Inc-----	20398

¹ Contains a decision of the court.